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London

1895

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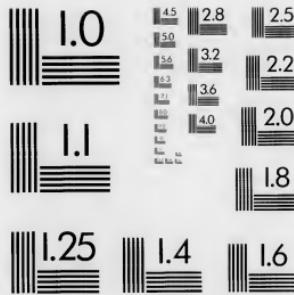
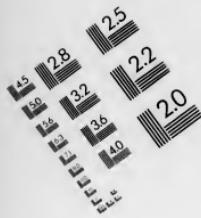
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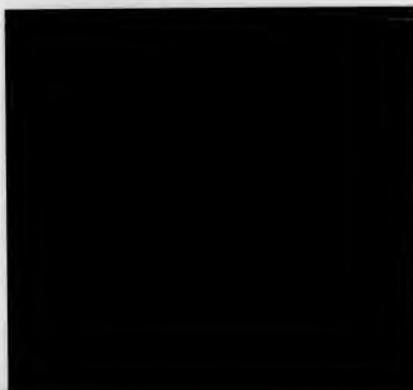
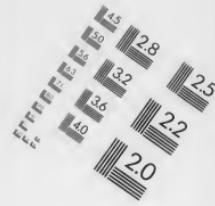
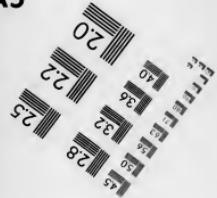
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INSOLUBLE PROBLEMS.

ESSAYS ON

SOME POLITICAL AND SOCIAL DIFFICULTIES.

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INSOLUBLE PROBLEMS.

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PREFACE.

THESE Essays are intended to call attention to the difficulties which surround the problem of tracing the limits of State Function. They are addressed to the friends of Freedom as well as to Socialists ; and, while assuming that Freedom is an indispensable element in human well-being, they recommend Patience to all reformers, whether the reformer desires to increase the activity of the State or to restrict it.

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INSOLUBLE PROBLEMS.

CHAPTER I.

THE STARS IN THEIR COURSES.

MAN is a part of nature. The human character is as much the resultant of natural forces as are the movements of the stars, the changes of the seasons, the growth of vegetables, or the breeding of animal creatures. Man's powers and man's weaknesses—his will, his understanding, his appetites—are not something distinct and apart from the great general system of causes in virtue of which the universe is what it is, but, on the contrary, are closely bound up with and dependent upon that system, so as to act upon it as well as be acted upon. For, as our studies in physical science should remind us, there is no action without re-action. The smallest asteroid or planetary body exercises some force of gravitation on the largest, though the influence may be so minute as to be inappreciable by any mode of investigation conceivable by us. In like manner, the personal qualities of every human individual, which are themselves the result of a long train of pre-existing causes, play their part in bringing about the general state of things in which human communities from time to time exist. This fact, it may be conjectured, underlies the somewhat unprofitable and, happily, almost obsolete Free-will controversy. We may imagine a conscious asteroid pulling "with a will" at the sun, and perhaps really deflecting in its orbit, for some infinitesimal part of a second in space, a neighbour asteroid a trifle less massive than itself. Such an asteroid might ascribe free-will to itself, and to its deflected neighbour, and even to the

sun; while a bigger planet, which had observed the ineffectual wigglings of these satellites, and realised the fact that they deviated mutually in the ratio of their mass, might proclaim a doctrine of Determinism and laugh their conceit to scorn.

I premise all this in order to free myself from the accusation of preaching fatalism in what I am about to say. When any one tells people that the will of a particular body of human beings at a particular time is as little likely to exert permanent and preponderating influence on human affairs in general as upon the course of the stars or the caprices of the weather, that person is apt to be assailed as a doctrinaire and a fatalist. Well for him if he is not also accused of having some sinister interest in things as they are; of desiring to grind the faces of the poor, to perpetuate some soul-and-body-destroying vice, to cheapen food that he may cheapen labour, and to make or keep some commodity dear so that he may reap an unjust profit.

I am no fatalist, or else I should not be writing these lines. Or, rather, I am a fatalist, but in the true and philosophical sense. I write in obedience to an impulse which urges me to discuss this subject; and I hope that my writing may be part of a chain of causes which will induce some of those who read my words to think as I do. I do not believe that "it would be all the same whether I wrote or not," which is the vulgar idea of fatalism; but neither do I believe that I could write, or do anything else, except in virtue of pre-existing causes; and the assumption that I could is the vulgar idea of free will. So much by way of introduction.

It is universally admitted that in material nature there are insoluble problems, which nevertheless enter into the conditions in which we are forced to live—conditions which may, indeed, be mitigated and partially counteracted, but which must, on the whole, be endured. It is not meant to deny that there is an adaptation of means to ends in material nature. The adjustment of organism to environment is taught by every science, even by sciences so abstract as mechanics and astronomy. But the higher—to use a somewhat question-begging phrase—we rise in the material order, the more complex does the organism become, and the more various the environment. And when we pass into an order no longer strictly material—an order in which the will,

passions, and intellect of man come into play—we are at the height of organic complexity and of varied environment, and we may naturally expect that the problems which arise will be of the most various degrees of solubility.

In several of the planets there is, to say the least, no evidence of animal life, and much which suggests the improbability that animal life exists. In the case of such planets, the obliquity of their ecliptic would seem to be of no consequence whatever. But, in obedience to some general law, the reason of which yet remains to be discovered, the axis of every planet is oblique to the plane of its orbit. This law applies to the earth, on which there is animal life, as well as to the planets on which there is no such life. The consequence is sufficiently obvious. The hibernating habits of various mammals—the annual migration of several species of birds—may plausibly be traced to the great difference in the length of days in summer and in winter. But the migrating birds and the hibernating bears get on somehow, and their organism seems to be fairly well adapted to its environment. The animal that is inconvenienced by the obliquity of the ecliptic is Man. Now, it seems like a joke to speak of being inconvenienced by the obliquity of the ecliptic, but it is a fact, as a moment's reflection will enable anyone to perceive, that the conditions of work would be easier if the days and nights were of equal length all over the globe. Nobody wants seventeen or eighteen hours of daylight, such as we have in the latitude of the British Islands at mid-summer. Neither work nor pleasure could last so long. We habitually sleep away a very large portion of the mid-summer daylight. On the contrary, at mid-winter we are compelled to use artificial light in order to get time to live. Not being bears, we cannot hibernate; not being swallows, we cannot migrate, or, at all events, most of us cannot. If it were not for artificial light, about a quarter of the year would be practically reduced to very short working hours in every country whose latitude is fifty degrees from the equator either way. The low civilisation of Laplanders and Esquimaux seems to be largely due to the shortness of their winter days. In addition to all this, the inequality in the duration of daylight leads to the wasteful employment of artificial light even in the long days of summer. Our habits in this respect are formed by our greatest difficulties. Because

it is not of much use to rise before eight o'clock in the months, say, of November, December, and January, eight o'clock becomes the average rising hour of the community. This, in turn, fixes the hour for retiring to rest, which is habitually somewhat later than is absolutely necessary. Of course, there are large numbers of those who are described as the working classes, to whom this remark does not fully apply; but taking the community as a whole, the habitual hours of rising and retiring are fixed by the latest hour at which people find it convenient to rise during the winter months. The hours not usually spent in bed may be reckoned as commencing at eight, or seven at the earliest, and terminating at eleven or twelve all the year round.

The climatic conditions induced by the obliquity of the ecliptic intensify the effects above described. We want a great deal of artificial heat as well as light in winter, and the clouds obscure the twilight and cut short the already shortened day. To speak of being inconvenienced by the obliquity of the ecliptic is, therefore, in no wise a jest, but a serious fact. It looks like a jest, because we so fully recognise that it is an insoluble problem. It is a failure in the adjustment of organism to environment—a failure which is, as we have seen, mitigated, but can never be remedied.

There is, of course, a cut-and-dried reply to all that has been said—a reply which the teleological optimist would not fail to make. The obliquity of the ecliptic is the cause of the variety of climates and seasons, and the variety of climates and seasons is one of the causes of variety in human character. If the earth were all climatically constituted as the tropics are, civilisation would have stopped short at the point where it did stop short in tropical countries. The retort is not wholly unfair, but it is not conclusive. It is impossible to say what would have taken place if the actual position of the earth in the solar system had been quite different from what it is. It is certain that our climatic conditions depend upon the obliquity of the ecliptic, and it is, on the whole, probable that the evolution of civilisation had as one of its factors the variety of climate. But, for one thing, the process of evolving civilisation has itself been very far from an unmixed good. Civilisation, as the American satirist puts it, has only too often "got forward on a powder cart." Now, the earliest wars of which history has any cog-

niscence were, for the most part, caused by the efforts of the inhabitants of a harsh climate to establish themselves in a genial one. If this motive had been absent, and the entire globe had continued under tropical conditions, it may be that the process of evolution would have been more tranquil. It is, however, perfectly useless to discuss what might have been if something else had been otherwise than it was. The optimist reply is irrelevant for another reason. This is not an essay on final causes. It is not denied that there may be a reason in the nature of things why the axis of the earth should be oblique to the plane of its orbit. It is not denied that there may be a final cause as well as an efficient cause for this phenomenon, and that the final cause may be variety in climates and seasons and variety in the course of human evolution. What is asserted is that this obliquity of the ecliptic, however it came about, has had certain effects on social arrangements, which give rise to an insoluble problem. The problem is not the less insoluble for being part of a greater whole, the general result of which is a good result, or is so esteemed by mankind.

One word of caution. I have had to criticise the arguments of teleological theorists, and may have to do so again. But I desire to observe all due respect to the men, and to speak with all due reverence of the transcendental doctrines they profess. Let them prove, if they can, that the order of the universe is perfect. But let them not argue in a circle. Let them not first assume the proposition the proof of which is in issue, and then proclaim that some detail is perfect too, because it belongs to a perfect order, when our senses and our reason and our consciousness generally tell us that the detail is the very reverse of perfect. At all events, let not those be denounced as scoffers who see, or think they see, through the logical fallacy of the transcendentalists, even if they now and then use the language of ridicule in showing that fallacy up.

CHAPTER II.

FLOOD AND DROUGHT.

WE have seen that certain astronomical conditions constitute an insoluble problem ; a shortcoming in the adaptation of organism to environment for which there is no remedy. We have seen also that the very methods which have to be adopted in order to mitigate the inconvenience are themselves the sources of minor inconvenience, and proofs of the insolubility of the main problem. At the same time, it has been pointed out that the particular inconvenience in question is never directly complained of. It sounds like a joke to grumble at the obliquity of the ecliptic. On the other hand, the weather is an accepted and acknowledged topic of grumbling. It is so even in the tropics, where it is approximately constant ; but it is only approximately so, and its occasional caprices are cried out against when they occur. In the temperate zones, and more especially in Europe, and most of all in the British Islands, the weather is proverbially capricious. We know extremely little about its laws, and about the multitudinous tangle of causes which account for its changes from day to day—sometimes from hour to hour. We are, therefore, disposed to attribute a sort of personality to the weather ; to feel grateful when it is such as we wish it to be, and irritated if it is contrary to our expectations or desires. The pious customs of praying for rain or for fine weather, and of giving thanks when we think our prayers have been heard, are witnesses that we regard weather as something essentially different from the astronomical conditions heretofore discussed. We do not pray that the obliquity of the ecliptic may be rectified, and the length of a June and a December day equalised. Most people, indeed, never even reflect how convenient it might be if it were equinox all the year round. We are accustomed

to the long and the short days, and those who know the causes of things are familiar with the laws which bring them about. The variations in the length of day and night can be illustrated to a child with an orange and a candle ; but the only thing certain about weather is caprice, and the most expert observer is only a beginner in the study of meteorological laws. Yet it is absolutely certain that weather obeys some laws, and that, if those laws were better known, weather could be predicted, and would cease to seem so capricious as it now does. As it is, however, some old-fashioned persons are in the habit of protesting that the new-fangled practice of observing the atmosphere with instruments and trying to forecast the weather has actually rendered it worse than it used to be—as if the personified weather resented the attempt to pry into the secret of its caprices.

It has been already noted that, while incurable defects in environment may be mitigated, the mitigating means may involve minor inconveniences of their own. A further illustration of this fact may be found in the comparison of tropical and temperate climates. In the tropics and in sub-tropical countries the principal climatic danger is drought. This is mitigated by artificial storage of water and artificial irrigation. But every now and then the fitfulness of weather displays itself in an abnormally heavy rainfall. Floods come on ; reservoirs burst their banks ; canals overflow ; there ensue loss of life and damage to property. Nay, more, the floods not infrequently leave behind them deposits of decomposing animal or vegetable substances, whose effluvia cause pestilences. Thus, both directly and indirectly, the remedies provided against the normal evil bring about abnormal evils of their own.

In temperate climates, or at least in some temperate countries—notably in our own islands—the normal danger, on the other hand, is excessive rainfall. This is remedied by artificial drainage. Elaborate provision is made for the removal of all such water as in ordinary years is found superfluous. The crops to be grown are selected as carefully as is practicable, with a view to the contingency which is in ordinary circumstances most probable. And here again comes in the terrible uncertainty of the weather. From time to time the expected humidity fails. The drought, it is true, is never even for a moment comparable to the

drought of which the dwellers in the tropics are yearly in dread. The driest year in almost any part of Europe is more moist than an ordinary summer in almost any part of India. But it is probably true that a drought in a moist country is more disastrous than a flood in an arid country. It disorganises all agriculture. Roots and grasses, the staple crops of a moist region, fail; cereals, the staple of the dry country, have been sparingly planted. What is worse, people have got into the habit of reckoning upon a plentiful supply of water for all their wants, and have no idea of economising or husbanding their resources. When, therefore, the action of the unknown causes which govern the weather brings on a drought, the situation is serious indeed. In the cities of every civilised country the water supply is managed by some form of co-operation. The supply may be in the hands of a municipality, or of a set of water companies. In either case the supply tends to become something of a monopoly; absolute in the case of municipal waterworks, less complete if, and in so far as, there are competing companies. In either case, provision having been made, on the whole, against excessive rainfall and not against drought, the latter takes everyone unprepared. The storage tanks and reservoirs begin to run dry; and, as they are wholly dependent for their replenishment upon a rainfall not less than the average, there is hardly any reserve for a season when the fall is unusually scanty. It may, perhaps, be thought not quite fair to dwell upon the fact that in every large town—nay, in every dwelling-house above the very poorest in town or country—water is the vehicle for the removal of sewage. Nature, it might be urged, cannot fairly be held responsible for the stupidity and perversity of man; but, on the other hand, the stupidity and perversity of man are part of human nature, which itself is part of nature in the larger sense. We cannot separate the working of nature which produces capricious weather from the working of nature which produces human beings so lazy and so stupid that they can find no better way of getting rid of refuse than by polluting a stream or the sea itself with it. So it works in this way. Great cities store up water, sufficient in average rainfall, copious if the rainfall is above the average, insufficient in time of drought, and tending to become more and more insufficient as the drought lasts

longer. This water is used, not merely for bathing and drinking, arts and manufactures, but for carrying away sewage and other filth and refuse. Scarcity of water, therefore, means risk of pestilence; and the more pestilence there is, the greater need of some vehicle to carry away sewage, filth, and refuse. In the meantime, the drainage which is adopted in order to mitigate the normal excess of rainfall renders it impracticable to apply any remedy to the accidental drought. Pumps and wells have all been closed as unsanitary—which in ordinary times they may very easily be—and all the subsoil water has been drawn off, so that, even if there were pumps and wells, they would be dry.

I may be told that all this constitutes no insoluble problem at all. In the case both of the floods in countries usually dry, and of the droughts in countries usually moist, more forethought and better engineering would avert the evil consequences. That may be true, and yet the criticism may be irrelevant. Want of forethought and want of skill are elements in the problem, and, so long as the want of forethought or the want of skill subsists, the problem may fairly be described as insoluble. Besides, the position I am illustrating is, that some of the problems which nature sets are insoluble by direct means. This is not inconsistent with the position that some—perhaps nearly all—natural inconveniences are capable of some sort of mitigation. We can make Nature an ally; we cannot make her a slave. In order to make her an ally, we must take into account our own dispositions and our own faculties, as part of the very same order of nature which we are striving to control. We must consider, not only what we are able to do, but what we are willing to do and to undergo. In order that we may control Nature, we must begin by obeying her. We must count the cost, in labour, in self-denial, in forethought, in acquired skill, in inborn genius. We must remember what we owe to men of the past, some of whose very names are forgotten. Who found out the use of fire, whether for cooking or for working in metal? Who invented the spade and the plough? Who invented wheeled carriages, and broke in animals to draught or to saddle? Who invented the hand-mill, the water-mill, and the wind-mill? From all that is known of history and of human nature, it seems highly probable that most of the primitive inventors were

tortured to death as wizards. The myth of Prometheus, whom Zeus impaled upon a rock for endowing men with the gift of fire, may possibly shadow out the actual fate of the discoverer who guessed that a tree, smouldering after a stroke of lightning, could be made a source of light, heat, and comfort to his fellow men. Man's fight with material nature has been an uphill struggle, not merely because of its own difficulty, but because of the obstacles interposed by human nature itself. In the present age of the world we do not exactly murder the persons who suggest improvements. We merely turn the cold shoulder to them. There are certain stock phrases always in our mouths which serve as excuses for going on in some old groove. One of these is that such or such a process is "too costly." Resolved into its elementary meaning, this signifies that it requires an amount of labour or of self-denial which mankind in general is unwilling to undergo. Now, such labour or self-denial may be excessive in relation to the advantage to be gained, or only in relation to the disposition of the persons who are asked to undergo it. If it is the former, then the problem of applying a given remedy to a given inconvenience is by physical nature insoluble. If the latter, it is human nature which renders the physical problem incapable of solution, not in itself, but by the particular group of human beings who are called upon to deal with it. I need hardly add that the more we leave behind us the problems of material nature and approach those of morals, of economics, and of sociology, the more we shall find that we are dealing with problems not insoluble in themselves, but only in relation to the human beings who are called upon from time to time to attempt their solution. Even so, it is no misuse of language to speak of them as insoluble. They are none the less so for the fact that what stands in the way of solution is not material nature, but human character.

CHAPTER III.

THE BODY OF THIS DEATH.

WE are fearfully and wonderfully made, says the Psalmist, and the optimists and teleologists are never tired of harping upon this thought. Fearfully and wonderfully we are made, most assuredly, but in anything but an optimistic sense. Our organs are, it is true, adapted to their several functions; but their adaptation is only approximate, tentative, and imperfect to almost the last degree. How many persons in a thousand have really good teeth? How many in a hundred have eyesight that is not hopelessly defective? No one retains full power of vision after fifty years of age, not even the myopic who has paid his forfeit in the shape of the life-long misery of short sight. We speak that which we know when we say that short sight is the worst curse with which anyone can be born into the world. The victim is unfit for action, almost as much as if he were crippled or totally blind; but he obtains no sympathy, and no allowances are made for him. The blind, the halt, and the maimed are objects of pity—the myope, of ridicule.

As usual, in this as in other insoluble problems, the means of mitigation are not wholly wanting; but, again as usual, these very means are liable to defects of their own. Spectacles or lenses of any sort render the focus of the eye rigid, so that the wearer's capacity for judging of distance is greatly impaired; the power of seeing round about is also much lessened. The wearer of lenses must turn his head in situations where a person seeing with the naked eye might keep his head steady and merely turn the eye-ball. After this it is a bagatelle that the glasses are dimmed by perspiration or by rain; but even this is no trifling drawback if the short-sighted person is engaged in any active physical pursuit. The condition of the "old-sighted"

person is not nearly so pitiable ; but it is attended with no trifling inconveniences, though their recognition is obscured by custom. Perhaps the most miserable of all is the victim to combined "old" sight and short sight. In short, the saying of the German physiologist, Helmholtz, that he would be but a bungling optician who could not make a better instrument than the human eye, expresses a profound truth.

But the eye is not the only organ which is imperfectly adapted to the work it has to do and the medium in which it has to perform its functions. The lungs are not less imperfect in their way ; they are hardly ever perfect in structure, and in a very great number of instances they are called upon to breathe an atmosphere which is destructive of their efficiency. And so of the digestion. The organs, more often than not, are inefficient in some way or other ; and a great deal more often than not, the food they are given to digest would spoil the most efficient apparatus. Nor should the influence of climate be neglected in this discussion. The colder climates are homes of lung disease ; the hot ones of malarious fevers, dysenteries, and digestive disorders generally. The human race can, it is true, exist in almost any climate ; but the climates are few indeed in which the average human being can enjoy approximately perfect health ; every region suffers from diseases peculiar to itself, and it may be doubted whether more human suffering is inflicted by the malarious fevers of the tropics or by the lung diseases of our own island. This, too, is an insoluble problem. We cannot change the relations between climate and bodily condition, though we may mitigate the worst by a certain amount of precaution.

But perhaps the most troublesome of all these problems is that which is known to us moderns as sanitation. Our bodies are machines which need to be cleaned every twenty-four hours. They cleanse themselves automatically, it is true ; but the product of the cleansing is loathsome refuse, which breeds pestilential effluvia that infect, and, if not counteracted, destroy, every similar machine within reach. Except the refuse be quickly put away out of possible contact or influence, it is noisome and deadly. The very word "sanitation" has come to mean the putting away of that refuse—that and nothing else, though in etymology it covers a great

deal of different ground. And what of the attempts which have been made from age to age to solve this problem? It must be acknowledged that, if all which the "sanitarians" say on this subject were true, it is a very remarkable thing that there should be any human race in existence at the present moment; for the means adopted have been, and still are, the very crudest that could possibly be imagined. Strangely enough, the custom of the early Hebrews (described in Deuteronomy xxiii. 13) is the nearest approach to a rational method of sanitation which the human race has yet hit upon. Unfortunately, it is utterly unsuited to thickly-peopled communities, and to city life above all. Our information on this point, with reference to the nations of antiquity, is extremely scanty. We know that the Romans had sewers ; but we know also that the construction of these and of their domestic sanitary arrangements was rude in the extreme. It may be safely conjectured that most, if not all, of the plagues recorded in classical and mediæval history, and many of the mysterious deaths which were ascribed to subtle poisoning, were simply cases of sewer-gas disease. The wonder is that, with sewers in Rome exhaling noxious effluvia day and night, and with no "sanitation" of any kind in the cities of Greece and of Asia, the city populations were not periodically exterminated. It is unnecessary to dwell upon the more modern history of sanitation. At the present period we are asked to believe that we should have attained something closely approaching perfection if only we would implicitly obey the prescriptions of our local medical officers and our sanitary engineers. If we could shut out all sewer-gas from our houses, hermetically seal the joints of house drain-pipes and main drain-pipes, and get our refuse conveyed well out to sea, we might, say the doctors and the engineers, bid defiance to typhoid, diphtheria, scarlatina, cholera, and all the zymotic diseases. But the difficulty lies in the achievement of the preliminary conditions. We cannot shut out the sewer-gas, nor prevent house-drains and main-drains from leaking, nor carry out to sea the whole of the refuse that passes through them.

Indeed, the difficulty may be said to lie even deeper than this. Mr. Mackay, in "The Plea for Liberty" (article "Investment," p. 197 popular edition, 238 library edition)

says : " Science is perpetually preaching to us that sewage can be utilised, yet our towns and houses are undermined by inaccessible drains, which are really little better than elongated cesspools ; " and he asks : " Is it a wild conjecture to surmise that, if the experimental energy of private enterprise had been allowed to enter the field, our practice would not lag so far behind scientific knowledge on this subject ? " Mr. Mackay is arguing in favour of private enterprise as against State investment, and it will be seen that our conclusions, on the whole, are not dissimilar to his. At present, however, the point is that sanitation presents an instance of a problem which is not, indeed, insoluble in its own nature, but is rendered extremely difficult of solution by human indolence and prejudice. It is a problem whose solution can only be attempted by association. No individual or family, outside of the primitive conditions of early Hebrew life, could look after its own scavenging or sanitation for itself. In proportion as communities grow larger, and are grouped together in villages, towns, and cities, the work of sanitation comes to require a greater organisation of labour. The easiest way to get rid of refuse was seen to be to sling it into a running stream ; and it was not ascertained until somewhat recently that this is about the most pernicious mode which could have been chosen. But everybody had not a running stream at hand, so first the street kennels and then sundry and various other channels of ejection were adopted, more or less at hazard, until the present elaborate system of house and main drainage became evolved. It may very easily be shown that private enterprise would have arrived at a more rational system ; but private enterprise did not get the chance. Not that the State or the Municipalities ever at any assignable time said : Go to, let us make main drains, and let us make house drains, and let us cause artificial streams of water to run through them and carry away the refuse. No, the thing grew up insensibly, and, as it were, spontaneously. The value of sewage as a fertilising agent was not, until recently, recognised at all, and is not anything like adequately recognised even now. And, as Mr. Mackay points out, in the meantime vast sums of capital had got locked up in the faulty system, and its reform is thereby rendered an almost insoluble problem for that reason alone.

But even this is not all. The artificial streams of water which are destined to carry off the sewage require artificial storage ; and here come in human ignorance and indolence once more. This storage is made to do duty for the supply of drinking water, baths, cooking, and the arts and manufactures, as well as for the flushing of drains and the ridance of refuse. And so, in time of drought, sanitation becomes paralysed, when it is needed most of all. We have already commented upon this in discussing the effect of weather upon the water supply, and, therefore, need only add that it constitutes at once a danger to health and an obstacle to reform. This, then, is an instance of a problem which is insoluble partly because of the imperfect adaptation in nature between organism and environment, but partly, and very largely, because of ignorance, indolence, and obstinacy in the human race itself. And here let us say once more that we do not desire to run a tilt at any transcendental views of creation or of morals. If all that we have laid to the charge of nature can be proved consistent with perfection, let us have the proof. No one will accept it more readily than we shall, if it only be valid. If the imperfections of sight, of lungs, of the digestive organs, and of sanitation be trials wisely devised for our probation, let us be convinced of it, and let us govern ourselves accordingly. But, granting that a transcendental solution of these problems may exist, that only emphasizes the fact that no material solution is possible. Even religion itself requires our acquiescence in certain things as inevitable, though it does not forbid us to seek mitigation of the evil those things involve.

CHAPTER IV.

THE BEGINNINGS OF THE STATE.

We have hitherto dealt with problems the insolubility of which was mainly caused by facts of material nature. We have seen that partial solutions were possible, and that those partial solutions seemed capable of approaching more nearly to completeness in proportion as the human will and intellect formed a more essential factor in the problem. At the same time we have seen that the partial solutions which our will and intellect have achieved have themselves been liable to drawbacks of their own, the attempted removal of which gave rise to other insoluble problems.

We have now to approach a different set of problems, those in which the human will and intellect may be called the main factors, and the insolubility of which may, from analogy, be expected to be less than that of the former class. But in human, as in material, nature, there are certain ultimate facts beyond and below which it is impossible to get. When facts of this kind come into collision with one another they give rise to problems which are insoluble at the time, though they may not be wholly insoluble, and may be practically soluble in various degrees. It may seem paradoxical to speak of ultimate tendencies coming into collision with each other, but they do as a matter of fact. This will be seen as we go on.

We may as well say here that, if we refer to ultimate tendencies, and if we specify some of them, we are not to be understood as offering an exhaustive list; nor are these papers to be taken as a treatise on the Philosophy of Human Nature, or on the Science of Sociology. They are simply attempts to throw light upon certain social difficulties.

The rather loose thinkers who claim to be called the

historical school of political economy are somewhat apt to find fault with anyone who ventures to assert that there are any ultimate tendencies which may be predicated of mankind in general. Of course, if this were so, no general science of human nature would be possible, nor any science of sociology. But the way in which these champions of what they call inductive reasoning go about to prove their case is sufficient to show their confusion of thought. If it be asserted, for instance, as a general truth, that human beings prefer their own interests to the interests of others, the "historical" economist at once points to those primitive communities where property is communal, not individual, and asks how a member of such a community can be said to prefer "his own" interests? The answer is simple enough. He does not distinguish between his individual interests and those of his commune; but let him be brought into contact with some outsider, and he will be as keen at a bargain, or at any form of negotiation, as the most civilised of traders or diplomats. The cleverest of the "historical" political economists would be overreached without difficulty by a Bengalee or a Chinaman, who, after getting the best of the bargain, would go straight home and hand over his gains to the head man of his village or his guild. So, also, let it be asserted that mankind naturally prefers to gain its end by the less, rather than the greater, expenditure of effort. Down comes the "historical" thinker with thousands of instances where improved instruments of agriculture or manufacture have been obstinately rejected by this or that backward race. But what does it prove? There may be superstition at the bottom of the refusal. The barbarians may believe that a change of methods would bring on them the wrath of the gods or of their ancestors' ghosts. In that case, one motive—possibly not an ultimate one—has come into collision with another, and has proved the stronger at the moment. But most likely the real truth is that the immediate trouble of learning the new method is too distasteful, in which case the supposed barbarian is really acting on the general motive, only in an unintelligent way, which increased knowledge will probably induce him to reconsider. Instead of refuting this particular assumption, experience thus tested appears actually to verify it.

We are not defending the practice of making large

general assumptions, and proceeding to reason from them without verification, which is what the "historical" school accuse older economists of having done. By all means let those who reason deductively verify the premises which they assume; but let not those who profess to reason induceively neglect their own first duty. Let them, too, verify the instances on which they claim to found their induction.

The evolution of the communities called States is as much a matter of natural tendency as is any of the processes of material nature. There have, no doubt, been individuals and small groups who have existed outside of State life; but the number of them is so small that no account need be taken of them. Broadly speaking, we are all born into some one or other Nation or State, and so were all our fathers and mothers, our grandparents and our ancestors, to the dawn of history. A political community is not a voluntary association. Even when, in comparatively rare instances, States appear to have arisen out of voluntary associations, the conditions of the association were always determined by the nationality of the associates. The Greek and Roman colonies in ancient times took the laws, religion, and customs of the mother cities along with them. The common law of England has gone round the world with the Anglo-Saxon race. The Code Napoléon is to be found wherever there are French Colonies, except in the largest French Colony of all, our own dependency of Quebec. There the law is taken from Old France before the time of the Revolution and the reformed Code. But the nationality of colonists has other and more far-reaching effects than formal law. All the manners and customs, all the modes of thought and action, of the voluntary States which we call Colonies are conditioned by the nationalities that sent them forth. The Quebec Canadians are Frenchmen who have got transplanted to North America. The British Canadians and the people of the United States are Anglo-Saxons who have been similarly transplanted. The Mexicans, Peruvians, Chileans, and Argentines are Spaniards; and the Brazilians, Portuguese, to whom a like accident has befallen. Not only so, but when a mixture of races takes place it influences the peoples whose blood is mixed. The Indian half-caste, the United States mulatto,

the South American half-breed, all have some characteristics derived from European blood, and others derived from barbarian ancestry. Generally speaking, too, it is the inferior qualities of each of the original races which reproduce themselves in the mixed offspring. This, indeed, may be observed in the individual families of homogeneous races as well. Attempts, for the most part unsuccessful, have been made to prove that genius is hereditary; and there is no doubt that certain kinds of vice are inherited. But the inheritance of qualities which are not, on the one hand, to be classed with genius, nor, on the other, to be characterised as vicious, has never been made the subject of investigation. If it were, it would assuredly turn out that heredity is responsible just as much for dulness as for talent, and just as much for moral perversity (short of vicious or criminal propensity) as for rectitude of character or strength of purpose. It would appear, too, that the weaknesses and shortcomings of the male line were not cancelled even by opposite weaknesses and shortcomings in the female ancestry, but that each subsisted side by side. These remarks are not so much of a digression as some may be tempted to think them. Much of the political perversity of the Irish may be traced to the mixture of the race. A strong strain of Norman blood was originally commingled with the Celtic, and the breed so produced was again crossed with an Anglo-Saxon pedigree in the Cromwellian soldiery and the Planters of Ulster. The Normans, the Planters, and the Cromwellians were all picked men, as soldiers, if in no other capacity. But it may be doubted whether the Celtic women with whom they intermarried were of as high correlative quality, except, probably, in point of *physique*.

To pass to another branch of the same topic. The institutions of States are hardly ever consciously framed to fulfil the purposes to which they ultimately come to be destined. Military institutions are the only large and conspicuous exception to this rule, and even military institutions tend to become archaic, as the nation to which they belong passes out of the military type.* Every other function—legislation, the administration of justice, the provision of public communications, the relief of the poor (where it is practised as

* See Spencer's "Study of Sociology," chap. v., page 110.

a public function), sanitation, the patronage of the arts, education, and all the rest of the functions now generally attributed to State agency, have all been developed, as State functions, out of something with which their original connection was of the very slightest kind.

In dealing with State functions, as well as with State structure, we may approach the subject in two opposite ways. We may inquire what the actual facts are, and how actual institutions work, or we may proceed to reason out the means, having regard to the ends which they are supposed to subserve. These processes may be compared to taking a machine to pieces on the one hand, in order to find out the secret of its structure ; and, on the other, to drawing plans and building up models, designed to subserve certain purposes. Technically, the one process is called analysis, which is Greek for "taking to pieces"; the other, synthesis, or "putting together." Human communities, however, are not machines, but living organisms, and analysis (or dissection) is more difficult with a living organism than with an inanimate machine. We are compelled, therefore, to proceed by a compromise between the methods: to watch the working of given institutions in practice, and to compare it with the idea we form of the end to be subserved and the means by which we would propose to achieve that end.

CHAPTER V.

DEFENCE—AND DEFIANCE.

It is natural that we should find organisation for fighting taking the first place in State function. Man is a fighting animal; the evolution of human communities began in conflicts. The races which could best defend themselves had the advantage in the struggle for life; and the capacity for defence implied the capacity for aggression. "Defence, not defiance," is a very good copy-book motto, but it is bad history, and not very good political philosophy. So far as history has yet taught us, as soon as any nation began to act upon that maxim, the power of defence itself began to vanish away. It is true that there are a certain number of races which owe their preservation and their vitality to other causes besides their personal prowess or military organisation. The Bengalees have their pliancy, their very cowardice, for defensive armour and defensive tactics. The Chinese are indifferent to danger, but they are unaggressive and submissive. Both these races are very prolific, and they were kept alive partly because it would have been so difficult to exterminate them, but also because they were useful to their conquerors. Even so certain kinds of ants preserve the larvae of certain other insects with a view to feeding upon them; and, in order to do this, they must needs also spare enough of the adult insects to keep up the breed. And, as might be expected, where we find races of such character as the Bengalee and the Chinese, we find no armies, or none of any importance. It is often very difficult, in the case of a feeble race, to discern whether it is in slavery to a warlike one, or is paying an army of foreign mercenaries. Not that it very much matters, because in the latter case the mercenaries are pretty sure to tyrannise over their pay-

masters. But in the history of every race, however warlike, which has made any progress in civilisation, there comes a time when the national organism must be differentiated, and the fighting portion of the nation become a thing apart. This is the point at which the difficulty of all combined and co-operative enterprise begins to make itself felt. To begin with, it becomes necessary to provide the means of subsistence for the warrior, in the field at first, but ultimately for his entire period of service in peace as well as in war. The army and navy must be fed, clothed, and lodged, and must be armed and equipped, and kept in a state of efficiency afloat and ashore. The money to effect this must be provided by taxing the non-combatant citizens. As all students of English history are aware, this necessity led to the establishment of the germ of representative government. On this point there is no need to dwell, except to suggest that here may be found an answer to those who hold that all contribution to the resources of the State ought to be voluntary. This indicates one of those conflicts of ultimate tendencies to which reference has been made above.

It will not be denied that national defence is a primary need. It will not be denied, on the other hand, that to force anyone to part with a portion of his property for a purpose of which he may not approve, or to which he may be indifferent, is an infringement of liberty. So long as every able-bodied citizen was a fighting man, this conflict did not arise, or was not acutely perceived. The citizen who was taking his turn to bear arms in the national cause had the opportunity of perceiving the necessity of the burden imposed upon him. But the non-combatant taxpayer is in a totally different situation. He may not see or directly feel the aggression which is being warded off. If the war is an apparently aggressive one on the part of his own country, he may even actively disapprove. If the country is at peace, he may not see what the tax is small for, or he may fancy that his own contribution is so small that it never would be missed. Besides, freedom is the most important of all political advantages. It is that, indeed, without which all others are worthless. It is not, therefore, surprising that men have, from time to time, protested against enforced taxation. The solution, or partial

solution, of this problem has been found in the system of Parliamentary representation. The House of Commons was originally, as is well known, an assembly called together to vote taxes and to check the expenditure of the Crown. But, since this power of voting or refusing supply was a power which could bring the entire machine of Government to a standstill, the body which exercised it gradually became supreme in the State. One consequence of this is that the House of Commons, which originally was instituted as a safeguard of liberty, now has the liberties of the entire people in its power. The safeguard has actually become a danger. There is no reason, in the nature of things, why a majority in an elected assembly should be a better lawmaker than a king, or a majority in a non-elective council. There is a good deal of reason why such a majority should be a fairly good controlling body, and why it should have absolute power in voting or refusing taxation. But the possession of the powers which the Assembly admittedly ought to have has enabled that Assembly to draw to itself powers it ought not to have. This is another instance of the partial solution of a problem carrying with it the creation of a new problem, which may turn out as insoluble as the original one.

If I seem to be drawing my examples somewhat exclusively from English history, it is because the problem of State structure has, on the whole, been more successfully solved in the British than in any other Constitution, not excepting even that of the United States. The problems with which we shall mainly have to deal being problems of State functions, it is well to take, as the subject of our analysis, a State whose structure is, on the whole, very little open to criticism. I have no intention of eulogising the British Constitution as the perfection of reason. I am quite well aware of its structural defects, and have, in fact, just been dwelling upon one of them. It is anything but the perfection of reason that laws to bind a whole community should be made by a bare majority of representatives, who may possibly have been elected by an actual minority of the electorate. And we must remember that, although the discussion of State structure and of State function ought to be, as far as practicable, kept apart, yet this is not always easily done. In the instance which we are directly con-

sidering, the power of making laws actually implies the power of deciding what is and what is not State function. One of the dangers to liberty, in our days, is that of the power acquired by the majority to make laws binding the community as a whole; and this is distinctly a question of State structure. It is no more possible to keep a House of Commons from making attempts upon private freedom than to keep a king or an oligarchy from doing the same thing.

The problem of State function is this. It is admitted that certain things which are necessary to the existence and well-being of the community must be done by collective action, and cannot be done otherwise. Other things which are desirable, though not absolutely necessary, can be best done by combination. Other things, again, which are highly desirable can only be done by combination; but the fact of the combination invests the combined managers of the enterprise with power, or creates a monopoly in their favour, or otherwise brings them into special relations with the bulk of the community.

National defence and the administration of justice may be taken as types of the first-class; certain municipal enterprises, such as paving and lighting, as types of the second; and enterprises like railways, canals, posts, and telegraphs, of the third. These things, also, shade into each other by minute gradations, so that it is extremely difficult to tell exactly where one class ends and another begins. Even military organisation is not invariably a purely national concern. Commercial Companies have owned and do own armies—the East India Company in the last and early in the present century, and the Chartered Company of South Africa in our own time. The East India Company had a navy also, and a very famous one, though it consisted mainly of armed merchant ships.

The administration of justice is one of the powers which kings and other rulers of nations have rigorously preserved in their own hands, with one very curious exception. That organisation known as police or constabulary, which is auxiliary to the administration of criminal justice, is very largely in the hands of local sub-divisions. In England, especially, the central Government has as little to do as it well can with the machinery for keeping the peace, arresting

offenders, and detecting secret crime. One would think that these things were matters of national import, next after defence against external enemies; but the anomalies of British State structure are an insoluble problem in themselves.* Historically, of course, the anomaly admits of a tolerably easy explanation. The mere preservation of the peace, in a comparatively primitive state of society, was a sufficiently easy task for the village constable. Dogberry and Verges were quite good enough for the ordinary rustic malefactor; but Shakespeare brings them into contact with a superior type of villain, making them ridiculous accordingly. And as Dogberry and Verges are to Conrade and Borachio, so are the local police to-day to the long firms and other conspiracies of clever swindlers. The only police force in Great Britain which is directly controlled by the Central Government is the Metropolitan. That force deals admirably with disorder and with all ordinary crime against property; but it needs only to mention the Whitechapel murders in order to show that even its sagacity has its limits. It is not, however, the purpose of these pages to discuss police organisation. I am trying to analyse State

* A very remarkable specimen of a practically insoluble problem presents itself in connection with the question of fighting organisation. It seems highly probable, judging from all the facts which come under our observation, that ironclad navies will turn out thoroughly inefficient in warfare. It might have been predicted *a priori* that ships which carry a huge dead weight of armour, and which are steered as well as propelled by machinery at once complicated, delicate, and highly interdependent, would prove extremely difficult to work. Experience confirms the *a priori* surmise. The ironclad never attains the speed of the unarmoured ship, and the steering of ironclads is, to say the least, something into which, at the best of times, the element of chance enters largely. But, worst of all, anything which puts the machinery out of gear is almost necessarily fatal. The armoured ship is absolutely dependent upon her water-tight bulkhead for the power of keeping afloat, and, if the machinery for closing these for any reason fails to act, the ship is doomed. Experience has abundantly demonstrated this. It almost seems as if the old wooden ship would still be the best for fighting purposes, as she could be made swift and handy, and of almost any reasonable capacity to carry guns. But if an ironclad did by any chance catch a wooden or other unarmoured ship, and did succeed in ramming or inflicting a severe cannonade, the unarmoured ship must needs get the worst of it. Hence the maritime nations are keeping up a cut-throat competition in ironclad navies, which may be confidently expected to break down when tried. Here is an insoluble problem with a vengeance.

unction, and I find it centralised in respect of national defence and nearly all the processes of the administration of justice except one, which is decentralised in a very high degree. But police administration is not the only one of the existing State functions of which this is true. The discussion of this must, however, be reserved for a future occasion.

CHAPTER VI.

TAXATION—AND TYRANNY.

ANOTHER anomaly, somewhat similar to that discussed in the last essay, is to be found in the fact that the management of highways is in the hands of political subdivisions like counties, though there is no reason why it should not be as much a matter of national concern as the army or navy itself. The earliest use of roads was to march armies upon. The "King's highway" meant the highway for the King's troops, not the highway made or maintained by the King. History seems to show that the making and maintaining of roads was originally entrusted to local subdivisions from motives of convenience, and that they remain local enterprises from mere use and wont. It is, however, only within quite recent times that the money for road-making and maintaining has been raised by a local rate. Not very many years ago it was raised by a turnpike toll, and that toll, harsh as it was thought to be, could have been defended by much more rational arguments than the existing system can. It was a direct payment for the use of the road, levied upon all who, for profit, pleasure, or convenience, used the road. Every one got value for his money, and those who did not want to travel were not asked to pay. It was, in short, the model of what a public impost for a public purpose should be; and it was as unpopular as the Hearth or Window duty, and far more unpopular than the Inhabited House duty! The present system is wholly irrational, and, but for the supersession of the road by the rail, could not have survived many years. Under it the local authorities of a county as small as Rutland could block the way from London to York by voting insufficient rates or appointing an incompetent surveyor. The railway, a direct product of private enterprise, has prevented that kind of thing from happening. Roads

are really, in the present day, local enterprises, and it does not very much matter in what shape their maintenance is paid for. The point which it seems desirable to dwell upon is this :—Highways would appear naturally to be something in which the entire community is interested, and, therefore, their construction and maintenance would seem to be functions of central government. Nevertheless, these functions, by force of historical accident, began by falling into the hands of local authorities, just as police functions had already done. Their cost was, however, provided for by a direct tax on use, the most just form a public impost can take ; and yet, in spite of the justice of the impost, it was unpopular in the highest degree. This unpopularity led to its abolition and the substitution of a rate upon land, which is no more unfair in its incidence, but liable to be unfairly assessed, to the injury of the system of public communication. Again historical accident comes to the rescue. While the turnpike tolls were being abolished the country was becoming covered with railways. Roads were no longer necessary except for purely local purposes.

To carry our analysis into the contrary phase, the lighting of towns would appear to have originated in an arrangement suggested by the lighting of private houses. Probably some one noticed the advantage to the outside public derived from lights in windows or doors, and suggested to municipal authorities that the showing of a light should be made compulsory on householders. It is certain that some such rule was actually put in force in mediæval towns, or, at any rate, that the attempt to enforce it was made. The provision of public lamps, and their maintenance by a rate upon house property, was an obvious and easy step in advance.

In both these instances the way in which the cost is provided may be a hardship to individuals. A very stay-at-home person may not require, or think he requires, the public highway or the public lamps. Yet such a one, or a stingy person who grudged his subscription, could not be prevented from using, as often as he chose, the highways or lamps paid for by more public-spirited citizens. The same case arises as that of taxation for the maintenance of the national fighting organism. I use that form of word purposely, because, as I have already intimated, I hold that a nation which is not organised for possible aggression is

not organised for defence. I am no advocate of aggressive war, but history teaches us that no nation ever yet professed to reserve its strength for mere defence until its energies had become sapped and it was ready to fall a prey to its enemies. But not to digress further, we see that here is another difficulty of public administration : to provide that each person shall contribute to defraying the cost of public conveniences which he cannot be hindered from using, if he chooses to do so, though he may profess not to desire them or care about them. Our system of representative government, in municipal matters, is clumsy in the extreme—clumsier even than Parliament, whose defects have been noted. Ultimate sovereignty must reside somewhere, and tends naturally towards that part of the State machine by which all the rest is fed, and which has the power of starving all the rest. But a municipality or a county board is a limited authority. It may be necessary to invest such a body with very stringent power in such matters as road-making and lighting, because, as has been said, there is a danger that payment may be evaded. But why public baths, wash-houses, or free libraries ? Among the persons who move about the streets it is impracticable to discriminate between those who have and those who have not paid their paving and lighting rates ; but the price of a bath, or the subscription to a library, can be collected at the door. It is easy, also, to see that there must be many public conveniences which minister to a necessity or add to the amenity of life for all alike, whether they pay for the accommodation or not. There must be a very large number of persons who derive advantage from the paving and lighting of streets, for example, who do not pay and could not be made to pay. The advocate of municipal Socialism*—of public baths, free libraries, and the like—would press this fact into his service,

* My attention has been attracted by Mr. Mallock's very able article, in which he points out that "Socialism" is an incorrect name for the kind of administration I am describing, because property earned by individual industry pays the rates out of which these eleemosynary benefits are maintained. There is much truth in this ; but it must be borne in mind that these systems are not only steps in the direction of Socialism, but systems which postulate the truth of the fundamental axiom on which Socialism is based. To call them Socialistic is, therefore, merely to use a sort of shorthand.

and would urge that, since a certain number of boons must needs be conferred upon persons who pay no rates, it can be no great harm to extend the system. Such a one would argue that the advantages are so very great that the rate-payers ought to be willing to submit to the impost. They are forced by circumstances to pay rates for paving and lighting which may benefit persons who are not ratepayers, and they may very well consent to pay for gratuitous advantages of a more special kind conferred upon the poor. The reasoning is, of course, utterly unsound. The casual person who pays no rates for the paving and lighting of which, nevertheless, he gets the benefit cannot be identified or traced. If he could, it would be only common justice that he should be made to pay. The ideal system of taxation, of course, would be that each should pay for what he used, for so much as he used, and for no more; and that no one should be forced to pay for anything which he did not use. But this has been proved to be impracticable. Nature, in fact, imposes an injustice on society; but this is no reason why society should go further and impose an injustice on its own members. Two wrongs do not make a right, even if one of the wrongs is committed by Nature itself. Nothing ought to be the subject of indiscriminate taxation or rating, except those things which are manifestly for the benefit of all, and which somebody must pay for, although they may be of advantage to those who do not pay for them as well as to those who do.

It may seem strange to include a topic of this nature in a series professing to deal with insoluble problems, for the problem is soluble enough. It is made insoluble, or made to appear so, by the inveterate tendency of some persons to be logical in the wrong place and at the wrong time. It seems logical, but is not really so, to say "we must pay for our army and navy, for our paving and lighting, and several other things, though we may be Quakers and disapprove of all war, or hermits and never leave our dwellings. Moreover, even those of us who uphold national defence, and are willing to pay for municipal conveniences, are bestowing a portion of our taxes for the benefit of a number of persons who cannot pay, and yet derive benefit from our outlay. We pay these taxes, too, at the bidding of a majority of our representatives, elected just as much by those who do not

pay, or only pay indirectly, as by us who do. Therefore it may not be wrong (though it is unpleasant for us) to compel us to pay for baths, and libraries, and schools, and recreation grounds, which other people will use and not pay for, while all the time we shall be paying twice over for what we use for ourselves." Such is the argument of the Socialistically-minded taxpayer or ratepayer who does not like the demand, but does not see how he is to escape it. The elector belonging to the masses, who only pays indirect taxes upon beer and spirits, tobacco, tea, and sugar, may argue in a different but not less illogical way. "My beer and spirits, my tobacco, my tea, and my sugar are taxed to pay for an army and navy the use of which I don't see. They tell me that I am protected by them, and that the empire they keep up is a market for my manufactures. Well and good. Why should not somebody pay for my bath—if I wanted one—for my children's school (though I am not particularly anxious to send them there), and for a free library where I can read the sporting papers and Ouida's and Miss Braddon's novels? I have got a vote, I and my mates are a majority, and we will *make* somebody pay!" The latter is more logical than the former; but both are illogical. Their fundamental assumptions are that he who in practice is forced to pay for something by which everybody benefits may rightly be forced to pay for anything by which anybody may imaginably benefit, and that, since some things are of necessity supplied to some persons without payment, anything may rightly be offered to anybody gratis. Stated thus nakedly, these propositions, of course, answer themselves; but they are never stated, only tacitly assumed by those who either submissively accept or actively enforce the conclusion drawn from them. It is because so many are eager to enforce that conclusion, and so many more to accept it with submission, but in both cases without thought, that I class taxation among insoluble problems. In itself it is not so.

CHAPTER VII.

WEALTH AND WANT.

AMONG the functions which have, at all times in history, been exercised by Governments, that of regulating and controlling the institution of property takes a conspicuous place. I say, regulating and controlling, not creating ; for the institution of property is not the creation of any Government. There is no need to go back upon the various theories which have been set forth concerning the prehistoric evolution of property. Amid all their points of disagreement, they all concur in one thing—that property originated in fighting, and became consolidated as mankind grew weary of fighting every man for his own hand. Historically, it is found that property vested in the tribe or clan (which, in very early times, was co-extensive with the nation) was the earliest recorded form. Then came the proprietary right of the family group, a form which has survived into our own time, in the Indian village, the Russian *Mir*, and other kindred developments. In all these cases there is one common characteristic—that, namely, of Adverse Possession. The property belongs to the *Mir* or the Village Commune, as against other *Mirs* or other Village Communes, just as a landed estate, a sum of money, or an article of movable property may belong to Nokes as against Stiles and all the world besides. It is worth while noting this, because the Indian village and the Russian *Mir* are sometimes quoted as examples of Socialism. They may be so—they very often are so—in respect of their internal arrangements ; but as between group and group they are as strictly Individualist as if they were private property of the most modern type. Finally, Private Property is the most recent outcome of the evolution of society, and is, I believe (in spite of some appearances to the contrary), the

type towards which all forms of ownership inevitably tend. I find myself unable to believe that there is any real reversion to the partial Communism of the past ; and, therefore, I am unable to believe in a wholesale Communism as the social type of the future.

Another striking characteristic of property is Inequality. Admitting that property vested in individuals is the type towards which social evolution is tending, the question may still be asked, "Why should not every one have an equal, or nearly an equal, share of the desirable things commonly classed as wealth?" It may be freely conceded that there is no *a priori* answer to this question. The answer must be sought in experience ; but it is none the worse answer on that account. What experience tells us is, that in proportion as man rises out of a merely savage state, he ceases to be self-sufficing for the supply of his own wants. The hunting nomad may eat the flesh, and dress in the skins, of the animals he has killed. He may make a bow for himself of wild timber, or of the horns of his quarry, and may string it with their sinews or bowels, and tip his arrows with teeth or with sharp stones. All this, no doubt, the nomad has done in the past ; but even to the nomad the time comes when he finds out that it is better to get a cunning artificer to make his weapons, and another to cut the skins into garments. The moment he learns to till the soil, or even to pasture cattle, he finds it needful to make a fresh step in the division of labour ; and so things go on until the state of civilisation is reached in which all, or nearly all, industry is differentiated and specialised. For a very large proportion of the human race it is true that no one man—no one family—could produce alone all that each man or each family requires for mere subsistence, to say nothing of the amenities of life. On the other hand, in any tolerable system of division and co-ordination of labour one person will produce so much more of one given thing than he needs for himself that every one will have a surplus to exchange with some one else. This, of course, is an elementary proposition in political economy ; the question is, Does it explain inequality of property, and if so, how? To me, the answer seems to be this. In the first place, human beings are unequal. The man of most courage and physical strength will, in early times, acquire most property as being the best

fighter. Then comes the time when the cunning man gains the superiority over the strong man ; and the cunning may be displayed in other and better ways besides cheating. Let it be supposed, for instance, that all the land of a given country could be divided into portions, equal in every respect—area, fertility, quality of produce, and so on. This, of course, is impossible in practice, but may be assumed for the sake of the illustration. In such a case, the abler cultivator would still get more out of his tillage and the abler herdsman out of his cattle ; the clever forester would derive an extra profit from his trees, and the clever miner would get more out of his mines. Let the means of production be divided ever so equally, the inequality of the producers will bring about an inequality of produce, and therefore of profit. But, as has been pointed out, the means of production cannot be divided equally. Equal areas of land are unequal in fertility and dissimilar in the character of their produce. One estate is better for tillage, another for pasture, a third for woodland, a fourth has minerals under the surface, and so on. When we add this difference in the quality of land to the differences in the energy, thrift, or talent of the persons who are to work the land, it is easy to see that inequality of property is a necessary consequence. It would, indeed, be almost safe to say that the weather alone would bring about inequalities, even if it be supposed that a fair start could have been achieved at the outset. But, as has been seen, no such start ever has been achieved, and it seems very unlikely that any such start ever will be achieved. Property began in fighting ; but, even if it had not, the differences in human power and in natural agencies, would have created inequality after a very short time.

All this, I may perhaps be told, is rank platitudine. No doubt so it is. I make no claim to be telling people anything they did not know before. My object is rather to recall to mind truths which are neglected precisely because they are so familiar. I may also be told that I am defending a state of things which may be natural, but is nevertheless bad. Inequality may be a disease, arising from natural causes, as physical diseases do, but no more to be acquiesced in than physical diseases are. That may be true. I do not think it is, and I am quite sure that the burden of proof rests on those who affirm it ; but, true or false, it is irrelevant

to the present argument, which is that social diseases—if inequality in property be a social disease—require patience in addition to appropriate treatment, just as much as physical diseases do. Now, the world since the dawn of history, and in all the phases of human society, has been striving to solve, in one way or another, this problem of inequality, and has hitherto found it insoluble. From the Jewish Jubilee, down to our own Poor Law, rulers and legislators have been incessantly at work upon this problem of riches and poverty. Law-givers have not been invariably consistent in their dealings with it. There have been laws to favour distribution, and laws which, if not actually meant to promote accumulation, still had the effect of doing so. The astuteness of lawyers often defeated the intentions of the Legislature ; but it would be true to say of England, at all events, that the Legislature for the most part strove to favour distribution, and that, if the law is to be accused of any leaning towards accumulation, such leaning was the work of ingenious lawyers bent upon realising the wishes of clients, most of whom, not unnaturally, desired to keep property together. But the tendency towards accumulation did not begin to show itself in all its force until land ceased to be the principal form of investment. When commerce and manufactures enabled money to be realised without being directly drawn from the produce of land, then the process of accumulation began in good earnest. But, if it did, so did also a process of distribution. There are probably now more persons than there ever were who have investments in small quantities of shares, or some similar form of intangible capital. It seems, too, as if the process would go on to a much greater extent. The outcome seems to be that this matter of accumulation or distribution is one in which legislation can produce very little effect. It is almost wholly a matter of natural tendency, and not of positive law. Bad laws may keep communities and individuals poor, though even then there will be some who will enrich themselves out of the very badness of the laws, as Oriental Pashas now and then do. But no law, however good, will tend directly to enrich anyone, nor will any law succeed in so distributing property that everyone shall be comfortably well off.

It would be out of my power to marshal all the evidence

which leads up to the conclusion I have expressed in the last sentence. Fortunately, I have been saved the trouble, by a writer of far greater ability, and one who is by no means committed to the same conclusion or the same line of thought. The advocate of complete freedom in industry, in contract, in exchange, and in the dealings of an owner with the thing that he owns, may fairly cite James Anthony Froude as a witness who is little else than hostile. In the first chapter of his History of England, Mr. Froude praises the mediæval legislation which aimed, as he puts it, at introducing the discipline of an army into the details of social life. He claims it as a merit of the feudal system that land—almost the only form of property in those days—never was private property in the sense in which we speak of a thing as our own, with which we may do as we please. ‘Even merchants and tradesmen,’ he says, ‘who took advantage of the fluctuations of the market, were rebuked by Parliament for their ‘greedy and covetous minds,’ and ‘as more regarding their own singular lucre and profit than the common weal of the realm.’’ These Acts of Parliament of the Plantagenet and Tudor times were all directed to the diffusion of property, and ‘to keep the King’s poor lieges on work.’ In other words, they were what we should now call Socialistic laws; and they all failed, as Mr. Froude himself has to admit. In like manner, the late Professor Thorold Rogers bears testimony to the failure of laws made for the purpose of regulating industry, for the most part in the interest of the working class, and for the increase of working people’s comfort. Professor Rogers was not quite so deeply tinctured with Socialistic thought as Mr. Froude was when he wrote the History, though there are passages in Work and Wages which are now and then quoted by the Fabians as if Mr. Rogers’s views made in their favour. He is an impartial witness, and Mr. Froude is, from our point of view, a hostile one—hostile, that is, to free contract and open competition; so that where these two coincide in testifying to the failure of laws in restraint of free ownership they may be taken as conclusively proving that failure. Thus far, then, history teaches us that evolution has progressed from common or joint ownership to that of the individual, and that Legislatures have, on the whole, failed to produce any direct effect upon the distribution of property.

CHAPTER VIII.

HIMSELF, HIS HEIRS, EXECUTORS, ADMINISTRATORS —

LEGISLATION has not created property, nor even defined it. Legislation cannot increase property, nor can it determine the shares or proportions in which property will come to be held. What it can do, and has done, is in the first place to set certain bounds and limitations, within which an owner’s power over that which he owns is absolute, while beyond, it is limited in varying proportions until it reaches a vanishing point. Every State, for example, claims and exercises the power to take land and houses for public purposes, and to declare what are the public purposes for which the property is wanted. In that case the so-called owner cannot do what he will with his own. However much he may desire to keep the land or the house, he must sell it; and he cannot even insist upon naming his own price. Again, in Ireland a so-called owner of land cannot let it as he pleases, nor, having once let it, can he resume it at the expiry of a definite contract. He must submit his contract to the sanction of a tribunal in whose power it is to fix the rent, and which is bound to fix the term of letting at a minimum of fifteen years. These are merely specimens of the way in which law limits ownership, the one being a general incident of the tenure of all property, and the other a limitation specially enforced for a political purpose, and probably destined to become obsolete. Another very curious way in which legislation deals with ownership is seen in the law of patents and of copyright. It might be naturally supposed that the ownership of a thing would vest in the person who had brought it into being, and without whom it would never have existed. Such is the position of an inventor in relation to his machine, of a poet to his poem, an author to his book, a painter or sculptor to his picture or

stute, a musical composer to his composition. Yet of all limited property, the most limited is that in a patent, and the next is that in copyright. A patent expires in fourteen years from the date of its being granted, and copyright expires in forty-two years from publication, or in a period consisting of the author's lifetime and seven years after his death. In either case the idea which has been patented or made copyright becomes public property, and may be used by anyone.

It is a favourite commonplace that "nobody made the land," and it is inferred by a certain school that land is not a fit subject of private property. The inference does not go low from the expressed premise, the reason being that the suppressed premise is false; but, if it did, then the converse ought certainly to be true, that patents and copyrights ought to be absolute property for ever. As we have seen, this is the reverse of the actual fact. Land is dealt with as a permanent and indestructible subject of property, and ideas as things in which the property is limited and revocable. The explanation is tolerably familiar, though it can hardly be called reasonable. Patents and copyright are the direct descendants, as regards their legal history, of the Tudor and Stuart monopolies. The first Act under which inventions can be patented was an Act passed to restrain the Crown from granting monopolies contrary to the interests of trade. The Copyright Acts, though more modern than the first Patent Act, and not quite so barbarous, follow it in treating the property in ideas as the grant of the State, whereas under a reasonable system the State would simply record the fact that a certain person had made a certain invention, or brought out a certain work in literature or art, and would warn off all others from meddling with such objects to the prejudice of the right owner. This contrast between the evolution of property in land and that of property in ideas very forcibly illustrates one of the paradoxes which make political problems so difficult of solution. Institutions are not made—they grow—and the consequence is that their adaptation to the end which they come ultimately to fulfil is often only tentative and imperfect. The unjust power of granting monopolies, claimed for themselves by mediæval kings, became the means whereby property in ideas, which may be called the

most completely moral form of property, obtained a limited and grudging recognition from the State.

Besides vesting in individuals, it is a characteristic of individual property to become transmissible, under given conditions, at the death of a possessor. I need not go into any details concerning wills on the one hand, and inheritance from intestates on the other. It will be generally admitted that the power of the owner to transmit his possessions by will is part of the idea of ownership. On the other hand, the automatic succession to property by the next of kin is not connected with individual ownership, but with the archaic family group. As that group never failed, being renewed from time to time by birth or by adoption, there was no need for any formal act such as a will on the one hand, or what is now known as administration on the other. The deceased person passed away, but the family group remained, and took over the property without any formality. It became necessary to introduce formalities when the ownership became individualised, and did not pass to a family group by the mere facts of death and survivorship. It is a curious instance of the tortuous course of evolution that in England the jurisdiction over wills and intestacy should have been exercised by ecclesiastical courts until so lately as the year 1857. It was not so in countries where, on the whole, the Church was more powerful.* This is one more instance of the fact, already more than once referred to, that institutions are not made, but grow, and are, therefore, hardly ever directly adapted to the end they are in the long run destined to subserve. I have no doubt that the distribution of an intestate's property among next of kin is a survival of the family group idea of property, which itself may have been connected with ancestor worship. It would, however, be fanciful to see in this surmise a reason why the Church should have usurped a jurisdiction over intestacies, especially as the usurped jurisdiction included wills, and as the whole arrangement appears to have been peculiar to England. Besides, our immediate point is that the devolution of property as well as its protection has long been reckoned a State function, and that in the particular case of England the Church was acting as a department of State.

* Stephen's "Commentaries," vol. ii., p. 199.

John Stuart Mill, in his "Political Economy," has suggested a number of reasons for limiting the right of acquisition by bequest, and for entirely abolishing the right of inheritance *ab intestato* in the case of any merely collateral relatives of a deceased person. While admitting that every word written by Mill is entitled to our most respectful consideration, I am bound to say that I am unable to see what would be gained by adopting his suggestions. It is already a matter of experience that laws intended to promote the diffusion of property were habitually defeated by the creation of trusts, and some similar device would most probably be resorted to if laws were made at the present day for a like object. Mill's original suggestion was that a testator might bequeath as much as he pleased, but that the legatee should only be permitted to take "a certain maximum, which should be fixed sufficiently high to afford the means of comfortable independence."* Great as is my respect for Mill's authority, I am compelled to say that it would be an infringement of liberty to limit the right of inheritance, and that it would indirectly, but by manifest implication, limit the right of bequest. If a legatee is not to be free to accept more than a fixed maximum, that is only another way of saying that a testator must bequeath no more to any one person. However, there is no occasion for any elaborate discussion, because Mill himself gives up the case, not only in the note already referred to, but in using the words "comfortable independence" in the text. Comfortable independence for the earner of a pound or thirty shillings a week would be no independence at all to a man in receipt of, say, five hundred a year of professional income. The bequest of a capital sum yielding two hundred a year would be little more than a bagatelle to an official with a salary of two thousand, or a merchant who made ten thousand a year. Is there to be an inquisition in every case in order to decide what the maximum is to be? If not, the maximum must be put so high that the limited bequest would be a large fortune to all except the very wealthiest legatees. Again, Mill suggests that collateral relatives should not be allowed to inherit it at all unless they were specifically named in a will. This is much more feasible than the other suggestion, but it is unlikely to have much effect in practice. Wherever there is a really large fortune to which there is no direct

heir, the collaterals are pretty sure to keep a sharp eye upon it; and if the owner does not bequeath it to a relative or group of relatives, it is because he intends to "endow a college or a cat," like Pope's friendless rich man. Such cases, however, are not numerous, and it is the small fortunes which mostly fall to unknown collaterals. It might be worth while to enact that none but direct descendants or ascendants should inherit; but one is tempted to think that, if such were the law, the money of lonely old maids or bachelors in middling circumstances would mostly go, not to colleges or cats, but to toadies. Whether it would be worth while to alter the law of inheritance with this probable result, perhaps, hardly be discussed.

It seems, then, that the distribution of property through wills or intestacy, if the power of bequest be once admitted, will follow certain obscure laws which do not admit of modification by direct exercise of authority. A testator will, as a rule, enrich children or near relatives—may, in some exceptional cases, make bequests for public purposes, and in others to mere personal favourites; and even if he perversely decides on enriching some one legatee unduly, having regard to the social position or personal habits of such legatee, no law of maximum will prevent him from doing so. There is no reason in the nature of things why the property of an intestate should not escheat to the State in supersession of the rights of collaterals; but, where bequest is sanctioned, any such law of escheat would be merely putting a premium upon will-making, and the gain to the public purse would be but trifling. Matters would be different in a country such as France, where the law, on the whole, discourages will-making. If property must be divided among children or relatives in assignable shares, and only a fixed proportion of the whole can be freely bequeathed, it does not matter much whether wills be made or not, nor what becomes of the property of an intestate with no known relatives.

CHAPTER IX.

— AND ASSIGNS.

ANOTHER function which public authority is, as it were, compelled to exercise in respect of property is that of safeguarding its transmission from hand to hand, and, in order to do this, enforcing contracts. I ought to mention that I use the phrase "public authority" in preference to "law," because the word "law" has come to have an ambiguous connotation, which not all Whately's or Mill's or Austin's clearness of definition can keep some people from being misled by. The word is sometimes used in the same sentence or paragraph, by the same writer, with the widely different meanings of (1) a rule prescribed by political superiors to political inferiors (Austin's definition); (2) a natural tendency which acts upon all objects that come within its scope (*e.g.*, the law of gravitation); and (3) a natural tendency which, according to circumstances, sometimes produces an effect, and sometimes does not (*e.g.*, the tendency of human beings to avoid unnecessary effort). All these meanings of the word "law" enter into the question of the relations between public authority and property, and, therefore, I prefer to use the words "public authority" as a mode of speech more pleonastic, but less misleading. Public authority did not create the right of property, but the conflicts out of which the right of property arose were part of the system of causes which brought public authority into existence. Public authority, again, did not create the right of inheritance—that right grew up, so to speak, spontaneously; but public authority found it and formulated conditions for its exercise. Once more—and here we touch the subject-matter of this essay—public authority did not create the relation of contract; but, having found the relation, laid down rules sanctioning it in some circumstances, and

restricting it in others. Just as there was a time when it required a strong man armed to keep his goods in peace, and he was only able to do so provided that no stronger man or one with better armour came against him, so there was a time when no man bartered with his neighbour except for payment down. But this could not last very long in either case. The time was bound to come when the stronger or better-armed man, in spite of his superior strength or armour, felt it desirable to abstain from all except absolutely necessary marauding raids. So also the time was bound to come when the cunning artificer got the upper hand of the imperious savage who held him in slavery. Contract, or, rather, the germs of the contractual relation, probably grew up concurrently with the division and co-ordination of labour. One savage is cunning enough to make a bow and arrow. Another, a good enough marksman to kill rabbits with pebbles, buys the bow and arrow for a brace of rabbits down, and—suppose—the promise of the first deer he shoots. This, of course, presupposes some advance in mutual understanding, and is, at all events, a very summary illustration. Very likely, the cunning artisan would be physically weaker than the huntsman. Hephaestus, or Vulcan, the god of handicraft in classical mythology, was lame. The artisan, by reason of his physical weakness, would be the slave of the huntsman, who would feed him with game, and make him invent and construct weapons of war and of the chase. Be this as it may, there must have been some sort of mutual give and take in their relation, because, if the huntsman-master could beat or starve the craftsman-slave, the latter could decline to furnish the weapons, and thus reduce the master to impotence in the chase, and also in war, where the possession of certain kinds of weapons would give him an advantage. Accordingly, in the most ancient of historical records we find the entire artisan class in slavery, the masters being obliged merely to find them food, raiment, and shelter, and the slaves being compelled to perform a certain task of work. It may have been a consequence of this, that when one freeman got into debt to another and did not pay, the creditor had the right to hold the defaulting debtor of slavery. This was the case in communities where positive law grew up and public authority sanctioned the claim in the creditor. But there were other communities in which

the relation of debtor and creditor did not come under public authority, but under public sentiment. The practice of "sitting dharma," by which the Hindoo creditor sought to coerce a defaulting debtor, long outlived the Roman law under which the debtor became the creditor's slave.

The Roman law exerted a material coercion. The Hindoo practice places the debtor under pressure of quite another kind—that, namely, which arises from fear of the supernatural, supported, as this kind of fear so often is, by universal sentiment. From the Roman law to our modern and comparatively mild mode of coercion is a long step; but it is not so very long since the mere issue of a writ for debt empowered a creditor to cast the debtor into prison. This also is obsolete in English law, and it is sufficiently rare to find a debtor even committed to prison for failing to pay under a judgment of court. Briefly, the practices and rules observed by public authority differ very widely in different countries and communities; but there is no country or community where public authority does not intervene to enforce contracts, and especially that form of contract which is known as debt. It has occasionally been suggested by very enthusiastic opponents of Government intervention that this is wrong—that the fulfilment of a contract is matter of private concern, and that no aid of public authority ought to be given for the purpose of recovering a debt. The remedy, such reasoners urge, ought to be the refusal of future credit. That is very plausible where the subject-matter of the debt consists of perishable things which require to be supplied over and over again; but it is a different case when the subject-matter of the debt is the possession of certain imperishable rights. Thus, the occupant of land or of a house who has contracted to pay a rent and to surrender the land or house in default of payment, cannot be dealt with merely by refusing further credit. He has got the very thing which is the subject-matter of the credit, and the creditor, in order to resume it, must either use force or procure public authority to use force on his behalf. All this is still more manifest if we suppose the subject-matter of the debt to be the use of a patent or a copyright. Here it is necessary first to call in public authority to define and promulgate the right, and then to seek its aid if the owner lends the use of the right, and is

refused the stipulated payment. In short, the protection of a creditor's rights by public authority is absolutely necessary in every case except the comparatively small number of instances in which the creditor has the power to compel payment by stopping supplies. These cases themselves are still further limited in this way: that an unscrupulous debtor can go from one purveyor to another, and get his credit renewed, and may carry on this practice for a considerable time before he is found out. Nay more, if there is anything like very keen competition, there may be traders who would welcome the discarded customer of a rival. So that the power of stopping credit may not be a very efficient mode of coercion after all.

Be this as it may, the stability of credit is a very effective motive power in commerce. It is highly probable that, if the law of debt and bankruptcy were not in reserve, a great deal of the world's commerce would be paralysed. Much the greater part of all commerce is carried on by a series of middlemen, between the original owner of raw produce and the consumer of the manufactured article. At everyone of these stages a block of credit would paralyse the entire system. Hence the necessity for legal remedies pervading all branches of trade, instead of leaving every such branch to the "natural" remedy of stopping the supplies.

This somewhat tedious dissertation is necessary, because among those who desire to limit the sphere of public authority there are some who aim at eliminating it altogether. The former view I approve, and it is in the interest of that view that I am writing. The latter aim I regard as visionary and impracticable. I am prepared to be told that experience proves the limitation of the sphere of public authority to have been attended with beneficial effects, and I admit that it has been so. What I am not prepared to admit is the inference that total elimination of public authority would produce still more beneficial effects. This is one of the paradoxes which abound in political and social reasoning. I may be able to make my meaning clear by an illustration. Suppose a town to be exceptionally free from burglaries, and that the Watch Committee argued thus: "Our police have nothing to do, and the town has been quieter since they have been inactive; let us dismiss them"—is it not absolutely certain that burglary

and highway robbery would break out the moment the resolution was carried into effect? So, in like manner, if we argued: "We no longer imprison insolvent debtors for life, and bankruptcy under our mild system is not worse than it was under the harsh one; therefore, let us have no law of debt at all"—is it not certain that commerce would be paralysed for a time at least, and that all such relations as landlord and tenant, author and publisher, wage payer and wage receiver, would have to be recast fundamentally?

It is, perhaps, unnecessary to analyse the cases in which public authority declines to interfere between the parties to contract. The principal ground for such non-interference is the immorality of the contract. In one particular case of immoral contract, considerations of religion come in, and take it out of the scope of this essay. In another, that of gambling contracts, public authority vacillates in a remarkable way. A gambling contract, as such, is legally void; but certain incidents may attach to such a contract, and may have the effect of making it a good cause of action, though the immorality remains as it was. Thus, a bet made through a commission agent has been held to be recoverable, while the same bet could not be made a ground of action directly by the winner against the loser. Yet, if anything, the immorality is greater in the case of a bet made through an agent. This seems to be a case of one of those conflicts of ultimate, or, at least, predominating tendencies, which give rise to insoluble problems. Gambling is thought to be immoral, partly on religious grounds, and partly because it is imprudent to stake what one cannot afford to lose. Therefore a gambling contract is void at law. But, on the other hand, it is felt that an injustice would be done if an agent were induced by his principal to part with money, even though it were for a wager, and then his principal were to refuse to make the loss good. But this involves other considerations. Can it be right that public authority should refuse to enforce a contract between principals, on the ground of immorality in the nature of the contract, but should enforce it if a third party is brought into the transaction, and one whose interest it is to promote such contracts, in spite of their immorality? The conclusion seems to be, that public authority ought either to refuse its assistance impartially in all cases of contracts, the root of which

is a gambling transaction of any sort, or else ought, with equal impartiality, to enforce all duly-verified contracts, paying no regard to their moral quality. It is perfectly safe to predict that the latter will never be done, and it would be little less safe to make the same prediction concerning the former. We may be very well content if public authority consents to enforce the majority of contracts, and applies an arbitrary and shifting rule to its dealings with all the rest. Reasoning does not enable us to arrive at any rule, because we find conflicting tendencies coming into play, and rendering this an insoluble problem, like so many others.

CHAPTER X.

CURRENT MONEY OF THE MERCHANT.

CURRENCY may be said to be a typically insoluble problem. The best solution, as will be seen, is the widest freedom, with only the necessary minimum of interference by public authority. Fortunately, that solution is not a matter of the highest importance. Commerce has, somehow, co-existed with the most absurd, illogical, and clumsy systems of currency ; but the systems which have proved most compatible with great commercial prosperity have always been found to be those which were most free.

It may seem strange, in a work devoted to the defence of freedom and the depreciation of Government interference, to dwell upon a subject in which the interference or non-interference of public authority is very much a matter of indifference ; but there are some thinkers who invite that interference upon the very slenderest pretexts, and who even plead that, in so doing, they are acting in the interests of freedom. It seems desirable to demonstrate that such persons are mistaken, both as to the nature of the interference they invoke, and as to the expediency of invoking it at all. The best way to prove this seems to be to state my own views on the nature of currency and its relation to public authority.

Money is symbol of value and a medium of exchange. I use the word *symbol* in preference to *measure*, because I very much doubt if money can be said to measure value. There have been, and perhaps still are, economists who would measure prices by means of a sum in division between the quantity of money and the quantity of commodities. But they hardly ever state whether they mean the quantity of money and commodities in the whole world or in a single community. Those who do state this detail are

very apt to contradict each other—and they all pass very lightly over the fact that the quantity of coin or coinable metal, and the quantity of commodities in existence at a given time and in a given region, are quantities extremely difficult to estimate. Besides, the ratio sought is not a simple one, between money and the sum total of commodities, but a highly complex one, between every kind of commodity and every other kind, money itself included.

How complex this ratio is will be obvious from one consideration alone. Among the things which are priced and paid for in money are a number of non-material services, and services only partially material. It is desired to send goods, or to convey passengers, by train, for instance. The railway and rolling stock may possibly be considered purely material things ; but how is a sum in division to be worked, of which one of the factors shall be the skill of the engine driver? Yet this has to be valued in money, every bit as much as the price of the engine and train, and of the goods which are in transport. This is part of my reason for saying that it is doubtful in the extreme whether money can rightly be called a measure of value. It is a symbol of value, and it is also a medium of exchange ; but it is an imperfect medium, for a reason which will presently appear.

If any one material could be found which should exist in sufficient quantity to act as a universal medium of exchange ; which should be sufficiently portable for the purpose of making payments at a distance ; which should be sufficiently divisible to graduate payments in proportion to the quantity and the value of commodities ; which should be incapable of arbitrary increase, and yet capable of increase sufficient to supply wear and tear in use, and also to graduate the quantity in use at a given time, in proportion to the requirements of exchange—that material would be the ideal material of a currency. No one such material exists ; but gold and silver approximately possess some of the requisite qualities, and that is why they have come into general use as the materials of coinage. Neither gold nor silver, however, has, as yet, existed in sufficient quantity to do the whole work of the world, and even now that silver is being produced in quantities so much in excess of any former production it is almost certain that silver alone would not do all the work that might be put upon it. For one thing, not

even gold is sufficiently portable to make payments at any serious distance. This deficiency finds a remedy in the remittance of written transfers of credit—*i.e.*, bills of exchange, cheques, and bank-notes. These written transfers are not money, but they take the place of money in a very large number of transactions. It is easy to see why bills of exchange are preferable to coin or bullion in making payments at a long distance. But even for common payments from hand to hand, it is found much more convenient to use bank-notes and cheques than coin. Practically, it may be said that nobody who has a bank account pays a sum in excess of two pounds sterling in coin. How this works a brief instance may be quoted to show. In the financial year, 1887–8 (I have no more recent statistics at hand), the per cent duty on bank cheques yielded £459,000. In other words, 108 millions of cheques paid duty in that year, and these cheques must have represented transactions amounting to 216 millions sterling at least. The penny duty is on cheques of £2 and upwards. Some cheques, it is true, are drawn for sums less than £2, and some cheques are spoiled or cancelled, thus yielding each its penny duty, but not representing any payment. In spite of this, by far the greater number of cheques are for sums in excess of £2, and many cheques are for very large sums. The above estimate must therefore be very considerably under the mark. But, if the business transacted by cheques is so enormous, what of the business transacted by bills of exchange and such like transfers of commercial credit? We need not mention bank-notes, which are, to a certain extent, legal tender. The point is this. An instrument for transfer of credit must specify a certain coin in which it can be cashed, if its holder wishes to cash it. Otherwise, it will only very imperfectly fulfil its function as a transfer of credit. It does not matter in what kind of coin a cheque, bill of exchange, promissory note, dividend warrant, etc., may be drawn, provided that it can be cashed in that coin. A bill, cheque, etc., for rupees or dollars is as good, considered merely as an instrument of credit, as one for pounds. The pound must, of course, consist of a fixed weight and fineness of gold, and the dollar, rupee, etc., of a fixed weight and fineness of silver. But it is perfectly obvious that the holder of a cheque for dollars or rupees can have no right

to claim pounds, or *vice versa*, no matter what the relative market values of the coins may be. It is also perfectly manifest that within any one community, so long as the pound, or dollar, or rupee of such community remains unaltered in weight and fineness, it makes little difference what number of pound coins, dollar coins, or rupee coins may be in circulation, provided, of course, that such circulation be not wholly insufficient. As has been pointed out, the price of commodities in gold or silver cannot be got at by a sum in division. There is a relation between the quantity of gold or silver in circulation and the prices of commodities generally; but there are no sufficient data to enable us to formulate that relation and reduce it to figures. It would be extremely difficult, if not impossible, to formulate a relation directly between gold and silver, eliminating all other commodities. Gold, silver, and all other commodities are worth what they will fetch, no more and no less. This truth is disguised by the fact that we are in the habit of speaking of the price of commodities as measured in gold or silver. But it is easy enough to see that, for instance, if a silk hat is worth a pound sterling, then a pound may reciprocally be said to be *worth* a silk hat. Or, to take a more complicated case, if the rent of a house is fifty pounds a year, then fifty times 123 grains of gold are *worth* a year's occupation of that house. But it does not follow that fifty silk hats at a pound apiece would be *worth* a year of the house; because the fifty silk hats might be of no use to the landlord, whereas with fifty sovereigns he can buy other things. All this is true, with the requisite changes, of silver. The difficulty, and the reason why there is a currency problem, is that these requisite changes have not been the same for a long time, and seem likely to go on varying.

Not to digress further, I return to the point that the extensive use of written instruments of credit absolutely necessitates the adoption of a single standard by each community for itself. It would be best of all if every community could have the same standard; but this is impracticable. The most advanced commercial nations have adopted gold as their standard, and all payments are supposed to be made in gold coins of a fixed weight and fineness. Instruments of credit conveying enormous values have come into use.

We have already seen the immense credit-transferring power of the ordinary banker's cheque. To alter the gold standard in England alone (not to mention any other country) would be a commercial revolution of the most appalling dimensions.

But there are a great many countries less advanced in commercial activity, and in these for the most part a silver standard has been found most convenient. Typical of these countries is India, and it is in connection with India that our existing currency problem has arisen. That problem is a problem of exchange, and of exchange solely, except in so far as it affects the remuneration of Englishmen engaged in the Imperial Services. As such it concerns the Government of the Empire and the Government of India, but not a humble essayist on the general aspects of political, social, and economic problems. I may, however, say that to demonetise gold, or establish what is commonly called bimetallism, for the purpose of adjusting the Indian Home Charges, I should describe as burning the house to roast a sucking pig, like Charles Lamb's Chinaman. I believe that an import duty on silver would solve the Indian problem. I am quite sure that the cheapness of silver has no mischievous effect on commerce, in spite of the prediction of Ernest Seyd. Against his authority (high as I admit to it be) I set off what I may be pardoned for considering the still higher authority of Michel Chevalier. That eminent economist wrote in 1857 on the apprehended fall in the value of gold in very much the same way as some economists to-day are writing about the fall in the value of silver. In plain terms he warned France not to abandon her silver currency, because, as everyone thought at the time, silver was the more likely of the two metals to remain steady in value. He did not go so far as to advise England to demonetise gold, but he expressed fear lest the expected glut of that metal should so inflate prices reckoned in gold as to inflict great injury on commerce. It is remarkable that Chevalier's apprehensions were all directed against nominally high prices, whereas those of Mr. Seyd and the bi-metallists of to-day are against the cheapness of commodities measured in gold. The truth is that any change in the value of gold or of silver must injure some one. Low nominal prices, for instance, are good for landlords and bad

for farmers, or, generally, good for lessors and bad for lessees, if rents were fixed before the fall in price. But if more gold were discovered, then prices would go up, lessees would gain and lessors lose. It cannot be helped. No contract, except one for immediate payment once for all, could be drawn in an alternative standard. A lease is a promise to pay and to keep on paying. It is unlucky if the payment varies in relative value from time to time, but there would seem to be no remedy. Suppose a lease were drawn as a promise to pay so many pounds sterling, or, in the alternative, so many tens of rupees, with whom would it be equitable that the option should rest? Is it not obvious that such a covenant would be no covenant at all? The bi-metallist thinks he can solve even that difficulty, and invokes State interference on the very largest scale, striving to inflict tyranny in the name of Freedom.

CHAPTER XI.

THE BATTLE OF THE STANDARDS.

We have seen that every community which is sufficiently advanced to possess a system of commercial credit is obliged to adopt one or both of the precious metals as its standard of currency, in order that promises to pay may possess as stable a value as can practically be assigned to them. We have seen that this value, however, may vary from time to time; even if only one metal were the material of currency. Naturally, it varies much more when there are two metals, whose value varies as between themselves, as well as in relation to commodities in general. Neither gold nor silver alone is sufficient for the world's work in currency. Each must supplement the other, and the question is, how? In my opinion, the answer is, by free coinage, each metal being tested, weighed, and stamped by public authority, and everyone making their bargains in the kind of coin they agree upon. I believe that, if this were done, bargains in England would still be expressed in pounds of 123 grains of gold, and in India in rupees of 165 grains of silver, exactly as they are now. In other words, I do not believe that the existing currency laws have any other effect than to register the practice of the commercial world. I know that some persons hold a contrary opinion. They believe that it is legislation which has given purchasing power to gold and silver, and withheld it from other things. Such, however, is not the case. No currency law, coinage law, or law of contract forbids the making of bargains in things other than money; but every law and custom of contract does enjoin that a bargain must be fulfilled in the terms in which it has been made. If traders undertake to exchange cattle for coal, the coals must be paid for in cattle and the cattle in coal; not in any other thing, however valuable. But if a

bargain is made whereof one of the terms is gold or silver coin, the fact that the recipient of the coin can buy whatever he prefers with it makes the money bargain so superior in point of convenience that all bargains are now made in gold or silver coin. Nor do laws of banking interfere in the matter. So far as promises to pay are concerned, free currency actually exists. Anyone may draw a cheque, bill of exchange, or promissory note—the only restriction being the implied covenant that the drawer has the means, or can obtain the means, to fulfil the promise to pay. I am not saying that the law of the Bank Reserve may not be open to improvement. All I say is that, in every case of the creation of an instrument of credit, there must be some kind of guarantee that the debtor is solvent, or is capable of becoming so. This ought to be a sufficient answer to advocates of so-called free currency. But I doubt if the persons who advocate what they call free currency deserve any answer at all, until they definitely state what material they propose to use as symbol of value and medium of exchange, in addition to or in supersession of gold or silver coin.

However, there are other theorists whose idea is that one metal of the two accepted metals of currency is unfairly favoured in relation to the other. The metal at present said to be unfairly favoured is gold, and the despised metal is silver. Now, as I have already pointed out, there was apprehension of a depreciation of gold in Michel Chevalier's time, and Chevalier argued in favour of silver, because of the greater stability of value which silver then possessed. Every word written by Chevalier in 1857, and translated by Cobden in 1859, would be good as against silver and in favour of gold in our own time. I have already referred also to the fact that what is feared by so many writers on currency is that there shall not be coin enough in circulation, while the more profound thinkers, such as Chevalier, fear that the quantity of coin will be unduly increased.

The relative depreciation of silver in our own time has revived a form of currency speculation which, until a little more than twenty years ago, seemed to be quite out of fashion. Just about that time, however, the sudden action of the German Empire greatly depreciated the value of silver relatively to gold, and since then the enormous quantity of silver produced by the American mines has still further

brought down the value of that metal. It may be safely surmised that, if a like change had befallen the market value of corn or cotton, coal or cloth, or any other natural or manufactured article, nobody would have supposed that the value could be raised by public authority. But because silver is a metal which is used for coinage, and because cotton has become a public function, it is assumed that the method of valuing silver differs from the method of valuing any other commodity. Public authority, it is said, "fixes" the price of gold, inasmuch as it enacts that a given quantity of gold shall be divided into a given number of coins bearing the stamp of the State. I deny, however, that this is "fixing the price of gold," because the price of gold is not to be described in money at all, but in commodities which gold purchases. It is inaccurate to say that a sovereign or pound sterling is the *price* of 123·274 grains of gold. A sovereign or pound sterling is 123·274 grains of gold, certified of that weight and of twenty-two carats fine. The "price" of a pound sterling may be anything, or any number of things, material or immaterial. In the case of a good many persons, the "price" of a pound sterling is a week's work. In other cases, it is a silk hat, a stall at the Opera, or a ticket in a sweepstakes. The State, in short, can fix the weight and fineness of a coin, but cannot fix its price in the only true sense of the word "price." And this is true of silver in monometallic silver-using countries, as it is of gold in gold-using countries. Cannot the State, therefore, fix the relative values of the metals, as well as their weight and fineness? Bi-metallists answer yes; and they affirm that certain States once actually did so. They argue *a priori* that since the State, using gold and silver for coinage, is the largest "purchaser" of gold and silver, the "price" fixed by the State is the market price. They say that, if the gold and silver were corn and cotton, and if any one purchaser wanted by far the greatest quantity of corn or cotton that was in the market at a given time, that one purchaser could fix the price. I am not sure that this is strictly true, but, if what I have said concerning the functions of the State be correct, it is wholly irrelevant. The State is not a purchaser of gold or silver. It is only an agency for marking quantity and quality. It does not fix the price in the sense in which a purchaser offers a price in the market for an

ordinary commodity. It merely gives back what it had received, with an authoritative statement showing how much it had received.

The State certifies the weight and quality of its standard coin, but cannot fix the value of the metal which is not its standard. It cannot, in other words, make one ounce of gold the equivalent, in purchasing power, of fifteen, twenty, thirty, or any other number of ounces of silver, any more than it could make an ounce of gold the equivalent of a certain number of pounds of cotton, bushels of corn, or tons of coal. Merely stamping the silver and making it legal tender at a so-called fixed *ratio* will not effect this purpose, because, if either of the metals becomes more plentiful, more of it will will be offered for coinage, and the other metal will simply go out of use for the time being. There will be, not a double standard, but an alternate gold and silver standard, according to the comparative ease with which the one metal or the other can be put upon the market. Such is the monometallist contention, and it is adopted by nearly every accepted writer on currency.

The bi-metallist, on the other hand, contends that a ratio between the value of the metals can be fixed by public authority. In proof of this, it is pointed out that such a ratio—one unit of gold = 15½ of silver—actually was fixed by law in France and in the countries of the Latin Union, and that under this regulation silver and gold maintained for a very long time a ratio closely approximating to the legally-fixed ratio of 1 : 15½. In the 70 years, 1803–1873, the maximum variation was 1 : 15·80 in the years 1821–1847, against 1 : 15·33 in the years 1857–1866. In 1867–1872, the ratio rose to 1 : 15·62. The average of the 70 years, as computed from a table given in the Proceedings of the International Monetary Conference of Paris, 1881 (Mr. Tupp's translation, p. 65) is 15·5583. This is urged in order show that the ratio 1 : 15½ may be safely adopted as being practically equivalent to the true relative value of the metals. Against this is to be set off the fact that France had to suspend free coinage as soon as the demonetised silver of Germany began to flow in. From this point of view it would appear to prove just this much in favour of the bimetallic contention: that so long as no violent cause of disturbance intervened, the ordinary fluctuation of the

mar et did actually oscillate somewhere about $1 : 15\frac{1}{2}$. But the violent disturbance did set in. First, Germany threw a quantity of silver on the market, insomuch that the ratio fell in 1873 as low as $1 : 18$. Since then, owing to the increased production of silver in America, the ratio has fallen almost as low as $1 : 20$. In the face of these facts, the bi-metallist case seems to be utterly destitute of foundation. For, if it was the bi-metallic law of legal tender at a fixed ratio of $1 = 15.5$ which gave stability to the relative values of the metals, how came there to be any variation at all? Why did silver fall $1 : 15.8$ in 1821, and remain at that comparatively low price for 26 years? Why did it rise in price, $1 : 15.33$ in 1857—the year when Michel Chevalier was championing it against gold—and remain at that price for 10 years? These variations are small; but the smallest variation disproves the claim of stability. No one would call a barometer "steady" which kept changing in height, though it were but half-a-hundredth of an inch. That this particular barometer was not even approximately steady is proved by the fact that it went down, suddenly and deeply, the very moment a disturbance at all serious set in. The French minister suspended the coinage of five-franc pieces (the five-franc piece is the silver legal tender), and thus intensified the disturbance caused by Germany. Since then American miners have flooded the market. What hope, then, can there be that any authoritative fixing of a ratio would be effective, even if all the world joined in attempting it?

One thing might be done, and would probably have a beneficial effect, though it seems improbable that silver will ever be restored to the value it had previous to 1873. If, instead of wrangling about standards, statesmen and economists would strive to put an end to inconvertible paper currencies, they might give a dead-lift to the depreciated metal. There are several countries in Europe where people are, so to speak, playing at having a gold currency, but really carrying on their internal commerce by means of inconvertible paper. There are Italian bank notes as low in value as twenty-five centimes, or about two pence half-penny sterling. The premium on gold, or on English or French bank notes, letters of credit, or other instruments payable in gold, is extremely high. Yet Italy pretends to have a metallic currency, forsooth—there being not 10 per

cent. of coined metal of either kind in the commerce of the kingdom, and its domestic exchanges being wholly dependent upon bits of paper which are not even promises to pay. The same is true of Russia, Turkey, and Greece. It is self-evident that, if these countries frankly adopted silver mono-metallism, their commerce would be facilitated to an extent difficult to calculate. In order to do so, they would have to abolish every trace of inconvertible paper; and the price of silver would naturally and healthily go up.

These papers are not meant for a treatise on currency. My object is to show that proposed solutions of currency difficulties are of no avail, if the solutions depend upon the interference of public authority to fix the values of coins, of paper money, or of any other material of currency. If, in the course of what I have said, I have digressed into practical suggestion, it has been by way of illustration. Even insoluble problems sometimes admit of partial solution, and there is a great deal of the rule of thumb in human life.

CHAPTER XII.

INDETERMINATE CO-EFFICIENTS.

MANY problems would be easier of solution if certain elements did not enter into them, which may be generally classed as either supernatural or sentimental. These essays are not intended as a contribution to theological discussion, and therefore I shall aim at avoiding any reference to the supernatural which may appear to affirm or deny the truth of any supernatural doctrine. But it is impossible not to see that supernatural doctrines do exercise an influence upon human affairs, quite irrespective of their truth or falsehood. Christianity, Mahomedanism, and Buddhism, to say nothing of the polytheistic and fetishist forms of heathenism, cannot all be true at one and the same time ; but they must all be taken into account in dealing with the communities where these supernatural creeds are professed or acted upon. The art of living, and especially the art of governing, would be very much simplified if faith on the one hand, or agnosticism on the other, were accepted with anything like universal acquiescence. If every one firmly believed, not only that there is a Supreme Being, but that the rules He has laid down are not less cognisable than, say, the more abstruse doctrines of equity in English jurisprudence, morals and politics would both be easier to study and to practise. If, on the other hand, the great majority of mankind had come to the conclusion that the supernatural is unknown, and probably unknowable, a good many of the difficulties which now beset morality and political philosophy would disappear of themselves. As a matter of fact, the great majority of civilised human beings, and a goodly number of others, profess something like the one belief, and habitually act upon something much more like the other. Mill is not the only writer who has pointed out that the nominal profession of a creed is no

sort of guarantee against the commission of sins which that creed denounces. Even among races and communities where supernatural beliefs are held with great intensity morality by no means runs on all fours with dogma. The Middle Ages were ages of faith, but they were ages of revolting cruelties and of detestable vices. Average Mahomedans are probably more earnest believers than average Christians, and drunkenness is a vice specially denounced in the Koran ; yet there are not a few Mahomedans who drink, and the Mahomedan who drinks at all invariably gets drunk. It need not surprise any one that the people who are most lax in their practice should be the most tenacious of the ceremonial observances of their religion. As a rule, lax morality goes with a low type of intelligence. Now, it is precisely where there is a low type of intelligence that moral and political problems prove most difficult of solution. But the insolubility of certain problems, arising from their entanglement with religious dogmas, is not necessarily an instance of lax morality. It is certain, for example, that among ourselves cremation would be unhesitatingly accepted as the best mode of disposing of dead bodies, were it not for the half-unconscious survival of a feeling that to calcine a body makes it somehow more difficult to raise that body from the dead. The feeling has no real root in religious dogma, but it exists, and hampers the attempts of sanitarians to make cremation popular. No law rendering cremation compulsory could pass, or could be enforced if it did pass.

Another instance where supernatural belief and utilitarian considerations come into conflict is afforded by the Roman Catholic system of the Confessional, in its relation to courts of law. It is distinctly in the public interest that anyone having knowledge of a crime shall disclose it to the administrators of justice. The Church of Rome, however, insists upon an exception in the case of priests who may obtain knowledge concerning crimes through the medium of confession. The motive is only indirectly religious. The doctrine of the Church is that a criminal who does not confess is in danger of perdition ; but, if he knew that the priest would yield him up to temporal justice, he would probably not confess. It is another instance of professing dogma, but acting agnosticism. Temporal justice is sure, if only there be evidence of crime. The criminal will not risk it ;

but he is willing to make his peace with offended Heaven, provided that Heaven's priests will not expose him to vengeance on earth. A higher and more refined doctrine of the supernatural might suggest to the priest that he should exhort the penitent to submit himself to temporal justice, as a test and proof of his real penitence; but the priest is an agnostic in his own way. He only faintly believes that Heaven would work with him if he disclosed the confession of the penitent, whether in the interest of public justice or in that of the higher morality. Accordingly, at all risks the secrets of the Confessional must be kept in order that the penitent may be in no wise discouraged. One result of all this is that in some countries, especially in Ireland, there is a great reluctance to call Roman Catholic priests as witnesses, even in matters with which the Confessional has nothing to do.

I hardly know whether, in the instance to which I am next about to refer, it is the religious sentiment or a vague sentiment of another kind which is more concerned. Both are certainly present, but each in a different degree in separate cases. The circumstances are familiar, yet few ever reflect upon them. All must die. To every human being comes a time when the duration of life is to be measured, not by years, or even by days, but by hours, minutes, seconds. With some, the cause is old age; with some, incurable disease; with a few, battle or murder, or some cruel accident. There is probably no form of death so distressing to the dying person as that from lingering old age. Disease and accident often cause keen and excruciating suffering, but throughout all the victim may have hope. The aged man or woman may directly suffer less, but what they do suffer they suffer without remedy. Still worse, if worse be possible, is the case of the victims of incurable disease or hopelessly fatal accident. What can be more utterly unendurable than the sufferings of a victim of cancer, or of accidental burning, who has been given over by his medical attendants? Yet it is forbidden to afford to any such sufferer the only sure and infallible relief. Why? There is only one logical answer: because religion is believed to teach that the eternal destiny of a human soul may be decided in a few moments of a closing life, and, therefore, no one can have a right to anticipate the close.

I shall not go into the metaphysics of this answer. To do so would be to infringe my own rule, not to express any opinion upon supernatural dogmas. I will simply add that, although some who do not believe in the supernatural dogma are still under the influence of a sentiment which condemns the shortening of life and of suffering in such cases, they are illogical in being so influenced. The sentiment has its root in the supernatural belief, and nowhere else.

To turn to another aspect of the same matter, it is admitted by nearly all sound thinkers that monogamic marriage is the highest form of association of the sexes. Yet there is no doubt that the sentiment which in all Christian countries approves monogamy is the offspring, not of any utilitarian reasoning, but of the grafting of early Christian asceticism on Roman law, which was accepted by the early Church as a compromise with the world. Generally, it may be said that of all departments of human life that of marriage and the family is the one which is most complicated by supernatural beliefs. There is no need to do more than advert to the fact that not in Christendom only, but among all races in history, marriage and the family relation have been placed specially under religious guardianship. Christianity, indeed, has actually freed the relations created by marriage and the family from a number of superstitions while introducing supernatural beliefs of her own which do not invariably concur with rational and utilitarian considerations. For instance, it could be plausibly argued that certain classes of persons might well be prohibited from marriage, and even rendered physically incapable of procreating offspring. That this is not done is undoubtedly due, in some measure at least, to religious sentiment. It is, on the whole, well that it should be so. We mortals are not the best judges of the future of our fellow mortals, and interference with the lives of others seldom turns out well; yet, while admitting this, there is still a temptation to say that the transmission of hereditary disease or insanity or imbecility is a thing preventible, and that the prejudice against prevention is, humanly speaking, irrational.

We find, then, that the condition of matrimony, and the capacity to enter upon that state, are matters concerning

which the religious sentiment exercises a very large influence. So also does it when the question arises whether a matrimonial contract should be dissoluble, and, if so, for what reasons. The Churches have invariably taken up an attitude of absolute hostility to divorce. In all cases in which it is permitted the State has over-ridden the Church, but, even in doing so, has in most instances yielded something to the religious sentiment. There are but few political communities of professing Christians among whom a full divorce is permitted for any cause except actual physical unfaithfulness. This may be partly because such unfaithfulness is an objective fact which admits of proof or disproof; but, beyond all doubt, it is chiefly because, from the supernatural point of view adultery is a sin. Drunkenness is as much an objective fact but it is not a "sin" in the same theological sense. The being convicted of a crime, and punished with a long imprisonment, is a tangible fact, and is utterly destructive of conjugal society; yet neither criminality nor habitual drunkenness would be admitted as a reason for divorce.

Having said this, it seems needless to advert to mere incompatibility of temper. Yet this may be as grievous a cause of unhappiness as the grosser delinquencies mentioned above. Nay, short of that degree of violence or peevishness which renders married life in some cases intolerable, there are states of mental perversity or bodily ill-health which sorely mar and impair "the mutual society, help, and comfort that the one ought to have of the other both in prosperity and in adversity." Extravagance or carelessness in housekeeping on the part of man or of wife may lead to pecuniary loss and serious suffering, if not to actual ruin. Ill health—though it be only slight debility or nervousness—on the part of a wife may ruin a husband's career. Perhaps the worst case of all is when the wife is a *malade imaginaire*. That the ill-health of the husband may cause keen suffering to the wife need not be stated. In nearly every condition of life, but most of all among what are specially called the working classes, the man is the bread-winner. There are, of course, cases in which the income is derived from the wife, and there are cases where both husband and wife contribute. Such cases, however, are the exception, and there is a very strong feeling in all classes of

society against the man who is a mere dependent upon his wife. Hence it is of the utmost importance, not only that the husband should be in good mental and bodily health, but that the wife should not for any reason, physical or moral, be a clog upon him. Yet the man who should pronounce marriage a failure because such things had happened in his own case would be rightly judged a poor creature. If any one argued that they ought to be made reasons for divorce, he would be laughed at. This is not wholly to be explained by the indeterminate co-efficient of religious dogma, though that is undoubtedly part of the explanation. The other indeterminate co-efficient, sentiment, enters into this problem as into others, and renders it insoluble in the very highest degree. From Plato (not to say Manu and Moses) down to Jeremy Bentham, the soberest and the wildest thinkers have had their say on the problem of Marriage and the Family. They one and all found it insoluble—and left it so.

CHAPTER XIII.

NOT UNDEVELOPED, BUT DIVERSE.

THE relation of marriage and the family is, undoubtedly, the most interesting of all human relations, and its interest is not for an age, but for all time. Still, that interest is now and then liable to be eclipsed, and there are reasons for thinking that we may be in one of those eclipses just now. There have always, from the earliest periods of recorded history, been times when women aspired to alter the relation towards men in which, for the most part, they have found themselves. More than two thousand years ago Aristophanes satirised the political woman. Nearly three hundred years ago Molière did the same for the learned literary lady. We have them still with us, however, and we have, besides, a variety of types which Aristophanes and Molière knew not of. Strictly speaking, this is not part of the subject of these essays. I am endeavouring to trace the limits of State function, and, except as regards the merely political woman, State function does not enter into the question. Even the Woman's Suffrage question is one of structure rather than function; but it is one of the points where structure and function meet, and must, therefore, be discussed in due course. For the rest, I hold that the State is not likely to do any good by interfering to decide, for instance, the question what professions women shall exercise. One of those from which they ought to be shut out is the army, and they have not shown any disposition to enter that one. I have no hesitation in pronouncing dogmatically upon that point, because, by common consent, the army is a State function; and, therefore, public authority may rightfully declare that they shall not enter it. This is also true of the navy, for the same reasons. It would not be true of the mercantile marine, which is not a department of State;

but, though there are legends of women soldiers and women sailors, the latter are always heard of in the Royal Navy. The ballad of Billy Taylor has no counterpart in the merchant service, unless we take Mr. Clark Russell's Emigrant Ship as a romance of similar type. As to other professions, if we speak of the Church, we at once introduce the supernatural element. Many Christians hold that "it is forbidden to a woman to speak in the Church," and wherever that view prevails women will be shut out. On the other hand, they have made good their footing in the profession of Medicine; but it must be admitted that, as yet, no woman physician or surgeon has risen to the highest rank in that faculty. The woman doctor has, however, rendered the trained nurse a possibility, and thus a flourishing and beneficent vocation for women has been called into existence. Women lawyers are said to exist in the United States; but here, again, they have not attained high professional distinction. What was said about the army and navy applies to law, in so far as the administration of justice is a State function. The State may, without overstepping any rational limits of authority, lay down the rule that women shall not be judges or magistrates. It is taking too much upon itself if the State decides that women may not advise clients, collect evidence, and plead causes, if they can get these duties entrusted to them. They are not very likely to get them; and, as has been seen, they have not been specially successful where they have been tried. Nobody has ever yet heard of a woman engineer or a woman architect; yet there is no law against women studying these arts, nor is there any artificial difficulty in procuring the needful qualification. It is a point which has hitherto been neglected by the advocates of equality.

Thus far I have been referring to cases in which either public authority has directly disqualified women, or popular prejudice has put obstacles in their way. On the other hand, there are certain accomplishments which have, at all times, been regarded as especially feminine, and which women have been actively encouraged to cultivate. It is worth while to consider what they have made of these. First among such arts comes music. Not very many years ago every girl of the upper and middle classes was expected

to learn music (usually pianoforte playing), just as every boy was expected to learn Latin. Even now it is presumed of every girl that she can learn the pianoforte until there is distinct proof to the contrary. Women have not, it is true, until quite recently, been given university degrees in music; but there have been, and still are, a great many more women than men who are average musicians. Yet no woman composer has as yet appeared, I do not say of the first; or second rank, but of the third or fourth. No woman composer is known who is fit to compare with Meyerbeer or Auber, to say nothing of Chopin, Mendelssohn, Mozart, Beethoven, or Handel. No woman has given an opera to the stage or an oratorio to the Church. I had almost said that no woman has ever composed orchestral music; but that would not be strictly true, though so very few have done it that the statement would not be practically false. And so of painting. Nearly every middle-class young woman gets what are called "drawing lessons." A great many women are meritorious artists, but hardly any rise above mediocrity. If any ordinary student of artistic history were asked to name women painters, he would glibly reply "Angelica Kaufmann"—and would probably get no farther. And now, lest any reader should accuse me of being a sheer woman-hater, I hasten to make amends. In literature—in one department at any rate—the sex may be said to have it all its own way. There has been no English novelist superior to George Eliot, and only the very greatest are her equals. George Sand is not so supreme among the French, but holds a very high place. Comparing French with English, not Balzac himself is greater than George Eliot. And to come down from the heights, the average merit of the lady novelist, both English and French, is very much higher than that of the male writer of fiction. If a brilliant novel—especially a narrative drama of character—appears in our time, the chances are ten to one that it is by a woman. There is a touch of paradox in all this. In the arts where women have all along been encouraged to compete, no woman has ever attained anything approaching to a foremost place. In some professions into which they have had to force their way they have attained respectable mediocrity, but have not risen above it. In one department alone have they attained to supreme excellence, and

that is one which was never, it is true, closed against them, but which they were not, on the one hand, encouraged to enter, nor, on the other, was any great effort made to keep them out.

I suppose I need scarcely explain that these remarks are limited to the arts and vocations in which women can really be said to compete with men. Among these the stage cannot be included, nor can the profession of singing. The male and female voices do not compete, nor do the impersonations of male and female character.

Among artisans and what are commonly called the working classes there is a pretty well marked line of distinction between male and female labour; but there are points where the two overlap. In these cases the male artisan or labourer is often jealous of being undersold in wages; the philanthropist is anxious that the weaker vessel should not be overtasked. Both, like Petruchio when he is taming his shrew by starving her and keeping her awake, pretend "that all is done in reverent care of her." If the entire subject were not one huge paradox, I should be tempted to say that, if ever women got suffrages, they would use them to checkmate both the philanthropist and the jealous rival in wage earning. But men have already used the suffrage, not, as was expected, to defend their own freedom, but to encroach on the freedom of others. We have no right, therefore, to predict what women would do with the suffrage if they got it.

Ought they to get it? Here the question of State structure comes in, and I at once reply, No. Men have taught us by the use they have made of the suffrage that it is capable of being turned into a weapon to destroy freedom, instead of being wielded only in freedom's defence. Since men have done that, it is safe to infer that women would use it with still more energy in the same direction. No woman in her heart values freedom as she values power. The advocates of Women's Rights would probably admit this, and plead that it is a survival of the personal subjection of women. In this view I am unable to concur, without considerable reservation. Subjection in the past may be part of the cause, but is certainly not the whole cause, why women desire power rather than freedom. The full cause is to be found in one of the mental differences of the sexes, which are correlative with their physical differences. The

average woman is much more emotional than the average man. I hesitate to say that she has much less power of generalisation, for in truth neither the average man nor the average woman has any power of generalisation worth speaking of. But the average man has his emotions, on the whole, better under control than the average woman, and a great deal better than the superior woman. The woman, average or superior, who sees anything she does not approve of wants then and there to "put it down." The average man, in nine cases out of ten, will simply consider it none of his business; the man above the average will ask himself, supposing he decides for putting down, how to go about it, and what the more remote results may be. To take a concrete instance, an act of cruelty is committed by a drunken person. The average man will read the newspaper report and think no more about it. The average woman will at once jump to the conclusion that it is all the fault of "Drink," and that Drink must be put down. The superior woman will probably arrive at the same conclusion with a little more vehemence of conviction and a good deal more elegance of language. All the time the truth may be that drink had very little to do with the crime. The criminal may have been naturally cruel, and his drunkenness may have merely served to obscure his apprehensions of retribution. A thoughtful man will probably come to the conclusion that such a criminal deserves to be punished for being drunk as well as for having committed a crime. But the woman will not see this. She will be carried away by the suggestion that he did not know what he was doing. She will conclude that the cause of his being drunk was the fact that he was permitted to drink, and that, if he could have got no strong liquor, the crime would not have been committed. In view of all this, she will tend to favour restraint of innocent persons to keep them out of the way of temptation, rather than repression of crime by the punishment of the criminal. Indeed, wherever the sentiment of pity or sympathy affords a motive for extenuating crime, women will always be prone to find that a criminal has been the victim of circumstances. Criminal law in a community where women's suffrage prevailed would be a very curious spectacle.

To turn to another matter in which the indifference of women to freedom is equally apparent, it may be safely

asserted that in almost any labour dispute the sympathy of women would be with strikers rather than with independent labourers or "blacklegs." The phrase, "taking the bread out of people's mouths," would well nigh settle the question in the minds of most women. Here, again, the temptation to exert power—to keep people out of mischief, and make them do, in spite of themselves, what the women thought right—would come into play in total contempt of every right of freedom. The result, one can easily see, would be disastrous. Yet the motive might be altogether admirable—being, in fact, a case of that maternal instinct, partly love of power and partly pity for helplessness, which fits women for bringing up young children, and unfit them for ruling grown men.

We may be told that these reasons are not conclusive, and that they merely amount to saying that women ought not to have the suffrage, because they would vote in a way of which we do not approve. The latter would certainly not be a conclusive reason if it were proved that the suffrage is an inalienable right, or a perfect machine, or even the best machine for securing good government. But it is none of these things. It is merely means to an end, means which may be perverted and made to subserve a quite different end. Every political reformer has declared that personal freedom is one of the ends at which his reforms aim. Even Socialists profess to desire personal freedom, though it is almost self-evident that their methods are incompatible with it. When, therefore, it is found that the wide extension of the suffrage among men has led to great encroachments upon freedom, one may fairly urge this as a reason why it should not be further extended, above all in directions whence encroachments on freedom are especially likely to come. But this opens up a question which cannot be dealt with at the end of an essay.

CHAPTER XIV.

ELECTION AND MISREPRESENTATION.

No form of State structure has a monopoly of good government—or of bad. There have been despotisms under which personal freedom was unimpaired, and there have been democracies as tyrannical as any Amurath. Probably personal freedom was never at so great a height as in England between the years 1850 and 1870. It is certainly not so in our own day. We are harassed by State regulation and inspection to a degree which would not have been endured forty years ago. It is no part of the design of these essays to indulge in "visions of a perfect State." Rather it is their purpose to show that State machinery must for the most part, be content with the humble function of imperfect means towards an imperfectly attainable end. The machine of State, in fact, is most useful precisely at the time when it is doing least work; and this was the case, or nearly so, at the period of history mentioned above.

The reformers whose exertions ushered in this state of things, whether they were thinkers such as Bentham, Grote, and the two Mills, or politicians like Lord John Russell, Earl Grey, and Sir William Molesworth, or partly one and partly the other like Sir George Cornwall Lewis, all relied very largely on the Parliamentary suffrage as a safeguard of freedom. They perceived that the suffrage, so far as it had been possessed by the people, had been used as such a safeguard in the past; but they did not perceive how the suffrage might be used to create a new kind of class supremacy. And yet these reformers were themselves the men who dwelt upon the danger of class supremacy in the hands of every class except one. They were so taken up with resisting the tyranny of kings and oligarchies

that it never occurred to the earlier leaders among them to consider what would happen when numerical majorities became supreme. They seemed to have drawn the conclusion that, because acts of State to which they objected had usually been the work of a minority, therefore every minority was dangerous, but every majority was to be trusted. They did not state the position quite so crudely, and, indeed, most of them never stated it at all, but simply took it for granted. John Stuart Mill was probably the first to perceive the danger of placing all political power in the hands of a single class, although that class was not a minority, but a majority. His elaborate advocacy of the representation of minorities was partly the result of this perception, though no doubt his love of abstract justice would have prompted that advocacy, even if no danger had threatened. Be that as it may, Mill seems to have almost wholly left out of account the inveterate British dislike for symmetrical institutions and what is called doctrinairism. He does, in a faint kind of way, admit that the plan he advocated would have to overcome a certain amount of prejudice. Had he lived a dozen years longer (and he was only sixty-seven years of age when he died), he would have seen the little instalment of minority representation which was instituted in his own time done away with, and the whole subject of proportional representation ridiculed as a mere crotchet. In no age and in no country has the bare majority of the populace possessed such power as in our own, and we may be very thankful that the power is not worse used as yet. It is, however, too soon to conjecture what it may come to. What we know is that, instead of being used as a defence, the suffrage is now made a weapon of attack. As to means of defence for the persons and classes threatened, we have no confidence in proportional representation, plural voting, or any one of the devices advocated by Mill in his book on Representative Government. We do not believe that they could now be instituted, and we fear that, even if they could be, they would not effect what was expected of them. For all that, we do not despair of the situation, or think that representative government is "played out." Those very characteristics of the British people which make a symmetrical polity an impossibility are those to which we should look for rescue.

There is an inveterate tendency at elections, and especially at General Elections, to "give the other side a turn," which, in a rough kind of way, tends to keep abuse of the suffrage within bounds. Every General Election since 1868, when household suffrage first came into force, has been attended by a change of Ministry. Every General Election since 1868 has reversed the voting at the preceding one, except that of 1885. At that time Mr. Gladstone was at the very height of the greatest popularity ever attained by an English Minister, not excepting Chatham himself. Moreover, although the Parliament of 1880 had been a Gladstonian Parliament, the Ministry which dissolved it and held the General Election of 1885 was a Conservative Ministry. The Parliament of 1885 is an exception, both because of Mr. Gladstone's exceptional popularity, and also because to vote for him was really to "give the other side a turn," the Conservatives having been in office for some months.

It is true that the effect of this alternation of voting is complicated by the fact that Conservatives and Radicals are forever striving to outbid and "dash" each other. The under-selling which goes on in the Dutch auction of politics is worse than anything of which the most hardened sweater can be accused. Luckily, the rival knaves have not yet precisely come to offering the same article in return for votes. Tory-Democrat and Radical-Socialist are obliged to keep masks of a slightly different character over faces that are as like as two peas. The Tory-Democrat mask is constructed so as to make wry faces at local veto, while the Radical-Socialist mask can by no means open its mouth to swallow—or to command—denominational education and the exclusion of alien paupers. Thus, in a kind of way, though very imperfectly and inefficiently, the very competition of the dregs of the two parties keeps itself from doing all the mischief it could. The drag tends to tighten on the wheel the faster it runs down hill.

One result of all this is that the electorate is nearly equally divided upon almost all the political questions which are of any real practical importance. On the questions of Irish Home Rule, of Employers' Liability, of Eight Hours, and of Church Disestablishment, the electorate is, as nearly as possible, divided into equal parts. Out of the entire electorate of the United Kingdom there was in 1892 an esti-

mated majority of just 205,825. The total number of persons who either actually voted, or, it is supposed, might have voted, at that election was 4,717,923. But this calculation includes a conjectural estimate of the persons who might have voted at uncontested elections, and is therefore only approximate. This is another of the blots in our representative system. The member of Parliament, under our arrangement, is supposed to represent the electors of an entire electoral division—those who voted for him, those who voted against him, and those who did not vote at all. In the case of an uncontested constituency it may or may not be fair to infer that, as it was not worth while to put up a rival candidate, all the electors are content with the sitting member. It is certainly not fair to assume that a certain proportion of registered electors would not have voted at all, and that another proportion would have voted for someone else—both proportions being assumed quite at random. This is the way in which such estimates are usually arrived at. Accepting these figures, then, in spite of the suspicion which attaches to them, calculation shows that the estimated majority in 1892 was a minute fraction more than one in twenty-three of the actual and estimated vote, or barely over 4 per cent. If we take the total electorate of 1892, numbering 6,229,120, the majority was barely over one in thirty, or $3\frac{1}{3}$ per cent. It might be urged by some calculators that the fairest proportion of all would be found, by dividing the estimated majority into the actual vote. Perhaps, in ordinary circumstances, such would be the case; but 1892 differed from most other General Elections in the enormous number of uncontested constituencies in Ireland. This makes the majority hold a ratio to the total apparently much larger than it justly should; but let that be waived for the moment. The total actual vote, omitting the estimate for uncontested seats, was 4,322,048, and this, divided by the majority of 205,825, yields a quotient of just twenty-one. Now, one in twenty-one is just under 5 per cent. In order to be absolutely fair, we will proceed to calculate on the basis of the actual vote and the actual majority within that vote, setting aside all fancy estimates of uncontested elections. The returns of 1892 give the votes actually cast for the "Liberal" party as 2,283,676, and those actually

cast for Conservatives and Unionists at the figure of 2,038,372. This yields a Liberal majority of 245,304, and a quotient of one in between seventeen and eighteen, or, in round numbers, 6 per cent. This calculation, by the way is actually more favourable to the party now in office than any of those based on fancy estimates of what might have happened if constituencies which were uncontested had been contested. Being based on actual returns, it is fairly trustworthy, and it shows 6 per cent. at most as the proportion of difference between the two parties. I purposely refrain from basing any part of my argument upon the fact that so much of the majority consists of the Irish Home Rule vote. But clearly, in so far as the Irish party is indifferent to British questions, or concerned with them only as terms in their alliance with English Radicals, their vote ought to be discounted when the calculation turns upon matters in which Great Britain is primarily interested. Such I take it, are most Labour questions.

Now, it must be borne in mind that the General Election of 1892 was held under very exceptional circumstances. It was the last struggle for political power of a statesman who had been in Parliament for sixty years, and in office at intervals during fifty; who had achieved a popularity almost miraculous, and had purchased that popularity by concessions to popular sentiment such as no other English statesman had ever stooped to. Mr. Gladstone's eighty-two years were the real election cry, Home Rule, the New castle programme, and Disestablishment being only pretexts. Yet Mr. Gladstone, as has been seen, could only get a majority of 6 per cent. of the actual vote, which majority, moreover, was wholly borrowed from a part of the kingdom where the voting was on an entirely un-English issue. It seems clear, then, that, even in the present clumsy arrangement of elections, the electorate is, as nearly as possible, equally divided. That being so, no really revolutionary measure can pass if its opponents are strenuous and determined in opposition. The fate of the Employers' Liability Bill is a case in point. It is a pity that the House of Lords shrank from asserting its privilege and amending the Budget of 1894; but, after all, a Budget is a yearly Act, and is virtually repealed in twelve months. The Lords may have been well advised in not joining issue upon a point on

which there is still far too much popular prejudice. So far as they think about the matter at all, the vast majority of the existing electorate honestly, though mistakenly, believe that it would be unconstitutional for the Lords to amend a Money Bill, and that it would be straining their constitutional powers to the utmost to reject one. Both propositions are untrue, but they are widely enough believed to render it undesirable to act on the contrary assumption until the electorate shall have been again familiarised with the true constitutional principle. Historically, the House of Lords is older than the House of Commons. It was the Great Council of the Realm, and, as such, the adviser of the Crown in legislation, before there was any House of Commons in existence. The House of Commons, on the other hand, was instituted expressly to protect the Estate of the Commons—all that portion of the people who were not summoned by the King to the Great Council—from the exorbitant demands of the Crown for money, and from attacks upon freedom by the Crown or by powerful persons. The House of Commons, in short, was instituted as a safeguard of liberty and property. It has become the most powerful body in the State because it has been able to stop the supplies which enabled the service of the State to be carried on. This, and not the fact of its representing the majority of the electors, is the real source of the power exercised by the Lower House of Parliament. There is nothing in the nature of things to render it imperative upon a minority to obey a majority. The minority may really be the stronger body, and able to overcome the majority if a real contest took place. Furthermore, the majority in the House of Commons does not of necessity represent the majority of the nation, nor even the majority of the electors. For myself, I would demur to the use of the word "representation" as implying that a representative must of necessity be elected, and that a non-elective body cannot possibly be representative.

There is an aspect of this matter which is far too much forgotten and lost sight of. Ever since 1832, if not longer ago, the great body of electors of the Commons hold their electoral rights and powers by statute. With the possible exception of certain freemen in boroughs and freeholders in counties, every electoral right in the three kingdoms is the

creation of some Act of Parliament passed within living memory. The ten-pound householders of 1832, borough householders and lodgers of 1867, the county householders and lodgers of 1884, all hold their franchises as a gift from the Legislature, whereof the House of Lords is a co-ordinate part on. There is no political power vested in any subject of the realm as his natural right unless he is a Peer. Nobody is born with a right to the suffrage. Any elector, or class of electors, of the Estate of the Commons could be disfranchised at any time by an Act of Parliament without any revolutionary violence. Nothing but a violent revolution could take away from any Peer of the Realm his natural right, transmitted from the earliest times, to be one of the great Council of the Kingdom. For this reason, among others, we hold that the House of Lords at the present time represents the British nation (in which we include Ireland) far more efficiently and truly than the House of Commons. There is an action and re-action in all human affairs, and in affairs political perhaps most of all. Progress has often been compared to the swing of the pendulum, but it seems to me that a more apt simile would be the ascent of a somewhat irregular spiral. As we rise we seem to come back to points we have left; but we are over the points, not at them. Once upon a time the Lords represented the nation, and made it do their will; now they represent the nation, and they do its will. Once upon a time the Commons defended the nation from taxation and from tyranny; now it is the Lords who stand between the British people and the tyranny of a minute margin of the electorate.

CHAPTER XV.

THE COLLAPSE OF COMPELSION.

In the old times, when a despot wanted to curtail someone's liberty, or to take away someone's property, he was apt to allege some supernatural reason. The "high displeasure of Almighty God" was a phrase familiar to medieval draftsmen of laws and proclamations, and usually meant that the King was resolved to punish somebody for doing something he had a perfect right to do, or to make some act penal which could not be made so under any ordinary pretext. So, also, the most arbitrary acts of confiscation were prefaced by assertions of the King's Divine Right—an assertion which still finds a place on coins and in certain public documents, but which has been so defined and explained away that it is now virtually meaningless. The tyrant of our day is the Majority, be the same a majority of electors at a ballot-box or a majority of picketers at dock or factory gates. When that majority wants to explain any of its acts of tyranny, the explanation is couched no longer in theological, but in metaphysical, phrases. "Danger to the community" has now taken the place of "the high displeasure" etc., and "the good of the community," or "the greatest happiness of the greatest number," the place of that Divine Right which proved so disastrous to the Stuarts. Thus, when it is desired to encroach upon someone's freedom, the cry is raised that the things he is free to do are dangerous to people in general, or to some more or less vaguely specified person or class of persons. When it is desired to throw private property into the hands of the State or a municipality, the allegation is that a State department or a municipal committee will manage the property or enterprise so that the "community" will derive the maximum of advantage from it.

Instances of these methods of procedure are familiar to

everyone. The Drink Question at once suggests itself. If the multitude were capable of comprehending the mischief and wrong of State interference, Mill would have brought that mischief and wrong home to men's minds thirty years ago and more. It is almost presumption to attempt to add anything to the weighty words of the essay, "On Liberty." Still the matter may be looked at from a point of view which Mill did not suggest. Drink, say the advocates of State-enforced abstinence, is the cause of nearly all crime. It is also the cause of nearly all poverty. It is "a danger to the community." Therefore, liberty may rightly be curtailed in order to get rid of that danger. Now, these statements, that drink is the cause of crime and the cause of poverty, are untrue, and are capable of easy disproof. The countries where there are most crime and most poverty are countries of comparative abstinence. That is a perfectly well-known fact; but it does not suit the advocate of State-enforced abstinence to admit it. Further, so far as crime is concerned, drink is absolutely antagonistic to all crimes of cunning. It can only incite to crimes of violence, and I unhesitatingly assert that the propensity to violence must be in the character before drink can bring about the commission of crime. The proverb, *in vino veritas*, does not mean that drunken men speak truthfully. It means that intoxication lays bare the character, and shows the man as in a sort of Palace of Truth. The untruthful man is a worse liar in his cups than when sober; the amorous man is more amorous. I had almost said that the coward is more timid; but there is no such thing as a coward pure and simple. If there were, I should expect to find him incapable even of Dutch courage. Be that as it may drink will excite a violent or ill-tempered man to madness while the same quantity will simply stupefy or render mauldin the man who has a more even temper or a gentler disposition. Drink, no doubt, obscures foresight and renders persons reckless to consequences; but it does not directly prompt to violent crime. As a corroboration of this view, the experience of the last century may be cited. That century was a period of hard drinking, and so were the earlier years of the century in which we ourselves are living. The hard drinking, furthermore, was the vice of every class in the whole kingdom, not that of the so-called lower classes only. Peers, gentry, peasants, artisans, and labourers all

drank, and those who could best afford it drank the most. Was there, then, more crime a hundred years ago than there is now in proportion to the population? Was crime most rife among the upper and middle classes, who had most money, and could most easily afford to lavish it upon intoxicating drink? We know that this was not so.

I may be reminded that the gentry a hundred years ago, and even fifty years ago, fought duels; and it may be argued that duelling often originated in drink. I entirely deny the relevancy of this argument. Duelling was, indeed, something which might be plausibly described as a crime of violence; but it was a crime deliberately committed, and, even when a duel arose from a drunken quarrel, matters were purposely so arranged that the excitement of drink should have passed away before the duel was fought. The skilled duellist never was a drunkard or a hard drinker. His cunning in fence or his steadiness of aim would have been ruined had he given way to alcoholic excitement. Duels were usually fought in the early morning, at a time when the reaction from alcoholic excitement would have been at its strongest. Putting duelling, then, aside, the result is that the hard-drinking gentry of the last century and early in the present were by no means a criminal class. Had drink been the exciting cause of crime, as is now confidently affirmed, the gentry of a hundred years ago ought to have been a class of habitual criminals.

The strange thing about those persons who insist that drink is the cause of crime is that they invariably seek the remedy at the wrong end. Because certain criminals ascribe their criminality to drink, the idea of the fanatical teetotalers is to hinder everybody from drinking, lest any one should get drunk. It never occurs to them that drunkenness is, in the eye of the law, no excuse, and in common-sense morality is something like an aggravation, of the crime committed by the drunken person. On the contrary, it is commonly admitted as an excuse. In nearly every police report we read that the prisoner ascribed the crime to drink,* and sometimes even in cases of murder

* I read in the *Times* of 22nd November, 1894, of a jury recommending to mercy a ruffian who had committed a peculiarly cruel, brutal, and deliberate murder, giving as their reason that he had been drinking

juries will recommend to mercy on the ground that prisoner was too drunk to know what he (or she) was doing. A judge who refused to accept and forward such a recommendation would be roundly denounced as cruel, heartless, and inhuman by the very persons who would within the next few hours attend meetings at which the closing of public-houses would be loudly demanded, because "drink is the cause of crime." Hundreds of thousands of persons to whom crime is not merely abhorrent, but impossible, are to be deprived of a harmless article of diet because, in a few scores of cases, persons with ready-made criminal propensities had let their evil nature loose by excessive drink. But on no account is the act of getting drunk to be treated as an aggravation of criminality; on the contrary, it is to be accepted as a plea for mercy, if not for total acquittal. It would probably be quite useless to urge that the alleged connection of drink with crime would very speedily be brought within rational limits if this view of the criminality of drunkards were accepted. The fanatic of State-enforced abstinence will listen to nothing but his own nostrum. He will keep on affirming that drink is the cause of crime, and ought to be suppressed, though the liberty of no matter how many innocent individuals may perish in the process. He will also persevere in asserting that drink is the cause of poverty—an assertion which is no more and no less true than that dress is the cause of poverty, as it undoubtedly is in an appreciable number of instances. Happily, the fanatics of State-enforced abstinence are not yet the majority, and, if the real majority will only use their eyes, ears, and such brains as they happen to possess, probably never will be. But "Drink" is an insoluble problem, and is likely to remain so, long as there are people who will listen to the denunciations of the fanatics, and will echo the silly cry, "Something must be done."

heavily, and was of a low type of character! The murderer had carefully sharpened the knife with which he cut his victims' throats, and, to make assurance doubly sure, he had battered in their heads with a hammer. Surely, in such a case, the low type of character was the cause of the drunkenness as well as of the crime. And the sapient jury recommend this savage to mercy! No wonder that drink is paraded as the cause of crime, when it is thus thoughtlessly admitted as the excuse for it!

On the same footing, to some extent, as the drink problem is the problem presented by infectious diseases. True it is that nobody is supposed to be under sensual temptations to contract small-pox, typhoid, or scarlet fever; though there are disorders of other kinds which are unquestionably the result of sensual indulgence. The point is that in each and all of these cases we are assailed with the cry that something must be done, the something being in some cases definite, but in most cases vague. Thus, in the case of small-pox, we have already Compulsory Vaccination Acts, which do not prevent the occasional outbreak of epidemics, but do subject a certain number of persons to annoyance, and do now and then inflict injury upon the health of poor children. And all the time the shriekers that something must be done are in a delightfully illogical position. All that they have got to do is to go and get themselves vaccinated. If their theory is worth anything, they will then be fully protected. I am aware that a good many doctors claim vaccination as a complete protection against small-pox, and I believe that it is a good precaution, though not infallible. Vaccinated persons do now and then catch small-pox, and cases have been known where they died of it. Still, it may be admitted that it is better to be vaccinated than not. What I do not admit is that all the letters of the alphabet from A to W have a right to compel X to vaccinate his child Y, in order that Y may not infect Z. Let A to W get themselves vaccinated. They are then, on any theory, as safe as they are likely to be. Let them persuade Z to get vaccinated, or Z's parents to get him vaccinated if Z is an infant. Thus they will draw a circle round X and Y—will insulate them, as the electricians say. But passing compulsory laws will effect nothing. I am not propounding mere *a priori* propositions, nor stating that which I cannot substantiate. I am writing in a city where there is at the present moment a small-pox epidemic in the slums. Daily we read of admissions to hospital, and sometimes the doctors are good enough to tell us what patients have been vaccinated. I suppose I need not add that the compulsory vaccination law is in full force in Dublin. Let us see how it works. In the week ending November 3rd, 1894, four persons died of small-pox in Dublin hospitals. Of these three had been vaccinated. So much for the infallible pro-

tention. The fourth had not. So much for the efficacy of the compulsory law, under which it seems as if one in four of the persons subject to it can escape its compulsion. I am quite well aware that one person in a casual group of four is not the same as 25 per cent., still less 250 in 1,000. But let us look at it another way. There are between one and two hundred small-pox patients at present in Dublin hospitals. Either those patients have been vaccinated, or they have not. No doubt some have and some have not. Now, as to those that have, what becomes of the infallible protection? And as to those that have not, what becomes of the efficacy of the law? That the majority have not been vaccinated is, I think, a fair inference from the clamour raised by the doctors. On the other hand, the fact that less than two hundred persons have been in hospital at any one time, out of a population of nearly 300,000, goes a long way to show that vaccination, or something else, has diminished the liability to this form of disease. I am quite well aware that the advocates of compulsion will claim that it is compulsion, so far as it has been effective, which has conferred exemption upon all those who have escaped. In reply I can only point to the fact that compulsion is shown to be very far from generally effective, and that this raises exactly the contrary presumption. The compulsory law cannot be enforced, and therefore the protection, if due to vaccination at all, is due to voluntary vaccination. As a matter of fact, there may be, and probably are, other causes co-operating.

But small-pox is very far from being the only form of epidemic with regard to which it is usual to invoke the aid of what is called State preventive medicine. I have, in a former essay, tried to point out the insolubility of the problem which goes by the name of sanitation. It is possible—that by no means certain—that, if all the products of our daily evacuation could be completely got rid of, most of the diseases known as zymotic would disappear. The difficulty, however, is in the getting rid of those products. The only absolutely effective mode of disposal is that of returning them to the earth, where, besides being disinfected, they would become fertilising material. This method our existing civilisations have given up in despair. It is, perhaps, needless to do more than refer to the conclusions already drawn. State regulation has had the effect

of stereotyping an imperfect method, whose failures leave results hardly less disastrous than the mischiefs they were meant to remedy. Yet it may be argued that it was impossible to dispense with State regulation, because private persons could not, by separate effort, have disposed of the obnoxious refuse, and no combination could have been made effective unless all joined in it. This could only be brought about by State regulation, so that the passing of Public Health Acts and the creation of sanitary authorities became a necessity.

The following is only a small matter, but I am tempted to refer to it by way of illustration. Decaying leaves are unwholesome, and breed malaria. This does not much matter when the leaves are in unfrequented forest, woodland, or field. They rot and mingle with the earth, creating the most fertile of soils; and they injure no one, for no one breathes the air they pollute for a sufficiently long time. But civilisation has a way of creating insoluble problems. We plant trees in our suburban streets which overshadow the pavements and shed their autumnal foliage thereon. It is impossible to collect and carry away the decaying leaves at once, and so they remain and breed disease. Yet it would be absurd to suggest that the trees ought not to be planted.

Another matter connected with public health, wherein State regulation cuts across certain rooted tendencies of human nature, is that of the notification of infectious disease. One would think that the friends of a patient suffering from a malady that he was likely to communicate to others would strive to isolate him and prevent him from doing so. Such, however, is not universally the case. Sometimes from ignorance or prejudice, and sometimes from a perverted form of sentiment, people shirk what one is tempted to call a plain duty in this matter. As usual, too, the ignorance, the prejudice, and the perverted sentiment are mostly found among the very class most in danger from the ravages of infectious disease.

Briefly, of all the problems whose insolubility puzzles and vexes the statesman, it may almost be said that those relating to the public health are the most insoluble, the most perplexing, and the most irritating. There are no questions upon which there is so likely to be a cry of

"Something must be done"; and there are none, or hardly any, upon which all that can be done is so likely to prove more or less ineffectual. Above all, there are hardly any questions upon which the majority is, on the whole, so likely to be wrong—which is not by any means the same thing as to say that the minority is likely to be right.

CHAPTER XVI.

TANTUM RELIGIO POTUIT SUADERE — ?

WE have seen that the attempt to assert a divine right in the community to protect itself against certain real or alleged evils gives rise to problems which are either wholly insoluble, or are only soluble, even in part, by curtailing the personal freedom of some minority, real or fictitious. For, in reality, under our system of clumsily organised Democracy, more often than not a minority gets for itself the powers which a majority is supposed to be vested with, and coerces the real majority, pretending that the latter is the minority. It is absolutely certain, for instance, that there is not a majority of electors in the United Kingdom in favour of Local Veto, or of any form of prohibition of the Liquor trade. Nevertheless, if the prohibitionists, by allying themselves with political parties having other aims, could succeed in getting control of the majority in the House of Commons, they would most undoubtedly attempt to enforce their views by legislative enactment. As it is, they loudly claim to be the majority in the kingdom, because they are in alliance with factions which make up a majority of the House of Commons, although no one faction has the control of the whole. If they succeeded in getting the second reading of a Local Veto Bill passed, they would clamour that the majority of the kingdom had uttered its voice, and that the rest were no better than rebels if they did not obey without a word. This, indeed, from the very nature of the case, is the way in which all laws must be enacted by a body like the Imperial Parliament, and still more by bodies like the French Chamber of Deputies and Senate, and the American Congress. Representative popular government is an admirable thing in its way; but the one thing it cannot do is to give effect in legislation to the wishes of a majority of the

people. This reads like a paradox, but in reality it is none. Does anyone suppose that the Public Health Acts give effect to the wishes of a majority of the people? In a sense, of course, they do. Everyone wishes not to have typhoid fever; but the Health Acts are, to begin with, exponents of a particular theory in relation to drainage which the majority of the people could not even understand, and in the next place they were passed by majorities in both Houses who were voting as they were bidden by leaders, and who, in the House of Commons, had not been elected for the purpose of passing Health Acts at all.

I have mentioned the Health Acts, because in them the legislators had, at all events, a tacit mandate in the fact that everyone, however ignorant, may be presumed to desire health, and to be willing to accept legislation which makes for health. But, to take another instance, what sort of a majority of electors was it which gave the Parliament of 1870 its mandate to pass the Education Act? That Parliament had been elected with the Disestablishment of the Irish Church as its chief, if not its only, "mandate." Mr. Lowe (Lord Sherbrooke) had, no doubt, uttered his memorable *maxim*, "We must educate our masters"; but the masters in question were thinking very little of being educated. The mandate of 1869 was "up with Gladstone and down with the Irish parsons."

This indeed, is one of the serious difficulties of our constitutional system, if that system be interpreted from the Democratic point of view. The House of Commons is—or, at any rate, was—an admirable institution for enabling the people to say "Hands Off" to the King or the oligarchy, if the one or the other encroached upon liberty or attempted to confiscate property. But it is not, and it never can be made, an institution for imposing the will of the real majority upon the minority from time to time. A House of Commons may give utterance in its first session to the expressed will of the majority of electors in regard to the leading issue which was before the country at the General Election. But a House which sits for seven years, or for three, or two, or one, is pretty certain to get out of touch with the majority upon some point or other which was not in the programme, or had only a subordinate place in it. More especially is this the case when public opinion is divided almost evenly upon

nearly every great question, as it is in the present day. If General Elections are plebiscites, there ought to be a General Election every time a first-class measure is laid on the table of the House. Annual Parliaments would go nowhere near to solve the problem.

It would probably be safe to assert that, if there had been a plebiscite or referendum on the Education question, Forster's Act would never have been passed. Most certainly it would not if the people could have foreseen all the petty oppression to which they have been exposed by the operation of the measure. Indeed, it might be hardly less safe to say that, if the promoters of the Act could have foreseen the enormous difficulties which were contained within the provisions for religious instruction alone, they would have thought twice before burdening the Statute Book with it. It was certainly very remarkable that the Parliament which had begun its career by disestablishing and disendowing a Church should have in its next session insisted upon the teaching of religious doctrines by lay schoolmasters, and upon applying public money derived from rates and taxes to the inculcation of theological dogmas. I know that there is a pretence that School Board teaching is undogmatic; but I reply that doctrines like the moral government of the world, and the future state of reward and punishment, are every bit as much dogmas as are those which distinguish between Romanism, Anglicanism, Presbyterianism, Lutheranism, and Greek Orthodoxy respectively, and even between Trinitarians and Unitarians. It did not lie with a party which had just disestablished a Church to affirm that any supernatural doctrine, however generally accepted, ought to be recognised and enforced by teachers paid by the State. But the inconsistent are never without some sort of an excuse for their inconsistency. In this particular instance it took the shape of alleging that, unless school children were taught certain dogmas, they would grow up criminals, and education would only turn them into clever criminals instead of stupid ones.

It is not displaying a very high degree of respect for the Church to use it as an annex and auxiliary to the police court; but let that pass. Is it true that a belief in moral government and in a future state of reward or punishment is a check upon crime? I gravely doubt it. There is

historical evidence that some of the worst of criminals have been men who were firm believers in supernatural dogma. I do not refer only to persecutors such as Mary Tudor or her husband Philip of Spain, nor yet to political criminals such as Charles Stuart and his son James. These and their like thought they were doing right—which in itself suggests that dogma may be an imperfect criterion of right and wrong. But the criminals I mean were thieves, swindlers, forgers, liars, and evil-doers generally, in the ordinary every-day sense of the words. They knew they were doing wrong, and they did it with eyes open.

Not to come unnecessarily near to our own time (though our own time is not without living examples), Sir John Dean Paul was a shining light of Evangelical Protestantism, and Thomas Sadleir was a Roman Catholic who displayed all the outward and visible signs of devotion. Neither of them, I verily believe, was a hypocrite in the ordinary sense. Neither of them, that is, consciously said in his own heart, "I do not believe in the dogmas of religion, but I will profess belief in them, and will make a show of acting as if I believed them, so that I may get money by deceiving those who think that religion is a check upon crime." Sadleir most assuredly believed, as an essential part of his creed, that a suicide is damned to all eternity; for a suicide goes into the presence of the Eternal Judge in the act of committing a sin, whereof there is no room for repentance. Yet Sadleir ended a life of fraud by a death of self-murder. But perhaps the most striking case of all is that of Charles Peace the burglar and murderer. I have myself seen a letter in the handwriting of this ruffian, written from the gaol where he was lying under sentence of death to the chaplain of a gaol where he had formerly been confined. I dare not transcribe his actual words—even if I recollect them literally—for fear of offending the susceptibilities of readers. But their purport was that he was reconciled with the Most High, that he had found the Way, the Truth, and the Life, and that he felt a sure and certain hope of a happy eternity!

While I write, another letter of very similar purport is brought to my notice, reported in the *Times* of November 29th, 1894. It is from another thief and murderer, and, like Peace's, though it speaks freely of having found salva-

tion, there is no word in it of repentance or the need of pardon.

I believe it would be possible to cite scores of similar instances, in which criminals of the deepest dye have declared themselves, on the steps of the scaffold, assured of eternal happiness for having professed a tardy and perfunctory repentance. These facts cannot be explained away by any commonplaces about "hypocrisy." That the thief, or forger, or murderer may have neglected the religious teaching of his youth is one thing; that he disbelieved it, and professed religion as a mask, is a totally different thing. There have been criminals who were conscious hypocrites; but most assuredly there have also been criminals who were sincere believers. And even if it were not so, the fact that there have been criminals who were brought up as Christians, and who either neglected religion or rejected it, is a conclusive proof that compulsory theological teaching in State schools is a delusion and a snare.

Religion is a sentiment, and a sentiment cannot be taught like the multiplication table. Theology can be taught, but theology is not religion.

It seems almost unnecessary to go into the case on the other side; yet to do so completes the argument, and I am tempted to follow it out. There have been many men who have utterly lacked, or consciously repudiated, all theological beliefs, even that of moral government and the future state, and yet have been men of honourable and upright lives. In proportion to their respective numbers, indeed, it would be hardly an exaggeration to say that there have been more "infidels" who lived like model Christians than there have been professed Christians who lapsed into crime. But most of such "infidels" have been born in at least a decent station in life, have had few temptations, and have been surrounded by moral influences. Thus, at all events, would the theological apologist explain away their virtues. There have, however, been instances where men who had not been under any such influences have led honourable lives, although they were unbelievers in theology. I will quote only one, but it is a notable one. Charles Bradlaugh was born in a humble station. He served some years as a private soldier. The life of the ranks, though it is a training which develops many very valuable and admirable qualities,

is hardly a school of the gentler and more scrupulous virtues. Mr. Bradlaugh was never anything but a poor man, and at times must have felt the sharp spur of want. In short, if the police-court view of theology were true, Charles Bradlaugh, the infidel, ought to have been the burglar and murderee, and Charles Peace, the Christian, ought to have been the upright, honourable, and useful citizen. Bradlaugh committed plenty of theological sins; but that is not to the purpose. The point is that firm believers in theological dogma, some of whom were also gentlefolk by birth and brought up amid all gentle influences, have been thieves, swindlers, and forgers; while a man of the people, whose youth was passed in the rough comradeship of the barrack room, who for some years of his life had not the means of decent subsistence, and never had at any time more than a bare competence, was never accused of a crime, nor even of a mean action.

I do not mean to suggest that there never were any criminal infidels. I know there have been such, and I suspect that there may have been even hypocrites of infidelity. I suspect that some who had the most reason to fear supernatural vengeance may have listened eagerly to the arguments of scepticism, not, like the religious hypocrite, for the purpose of blinding others, but in order to administer anaesthetics to their own consciences.

The truth is that neither secular nor theological education is a safeguard and an antidote against the tendencies which lead to crime. There is, in human nature, a "power which makes for righteousness" (to quote Matthew Arnold's ingenious minimisation of Theism), and there is also a power which makes for unrighteousness. Most men are pulled both ways, or, rather, every man is. The virtues of the best sain: are chequered with sin, and the vices of the worst sinner are tempered by some lapses into goodness. In the case of the ordinary, average human being, neither deity nor devil can claim absolute victory. But, where the latter does happen to get the upper hand, he generally succeeds in setting at defiance pope, prelate and presbyter, mufti, bonze, and even Board schoolmaster.

I dare say I may be accused of having assailed the doctrines of moral government and a future state of rewards and punishments. I have done no such thing. Not one

single word of mine has assumed the falsehood or the truth of those doctrines. I deny that belief in them exercises the kind of influence which I have described as "auxiliary to the police-court," and I think I have proved my case. I affirm that honourable, upright, and useful lives have been led by men who denied those doctrines, and I think I have proved my case. My inference is that, true or false, these doctrines, and *a fortiori* all theological dogmas more abstruse, ought to be taught at home or in Sunday school, and not in State-supported schools or by State-paid masters and mistresses. The question of religious education, as it is called, is an insoluble problem, but it is one whose insolubility is purely self-manufactured. The zealots of State-interference are wholly responsible for the difficulty which surrounds the entire subject. Finally—to return to something said earlier in this paper—it should never be forgotten that it was a House of Commons elected to disestablish a Church which set up a petty pope in every schoolroom.

CHAPTER XVII.

OUR EDUCATED MASTERS.

ROBERT LOWE, VISCOUNT SHERBROOKE, was a very clear-headed man, though something of a doctrinaire statesman. When he said, We must educate our masters, he meant that we must, if possible, make good citizens of the electors by imparting knowledge to them. He believed, in common with other able men, that knowledge had, by itself, a tendency to improve the character. There is a true side to this belief; as there is also side which is not true. Knowledge of the right sort will help to improve the character, but not everything that is learned at school is knowledge of the right sort. Reading, writing, and ciphering are not really knowledge at all—only the instruments of knowledge. It seems highly probable that only a very small number of persons will ever go beyond those first steps, and acquire such knowledge as can really be described as influencing character. We have seen that the inculcation of theological dogma does not prevent the criminal type of character from being developed; but the prevention of criminality is only a small part of the end to which education is, or ought to be, directed.

When Lord Sherbrooke talked of "educating our masters," he meant imparting to the new electors as much of the idea of citizenship and of their duties as citizens as they could assimilate. He did not mean what a great many of the flabby-minded semi-Socialists of a later time came to mean—imparting "culture" to them. Lord Sherbrooke's ideal was decidedly doctrinaire; the "culture" ideal was downright Utopian, or indeed Laputan. In an early essay of this series I suggested that the will of a particular body of human beings at a particular time is as little likely to exercise a permanent and preponderating influence on

human affairs as on the course of the stars or the caprices of the weather. The British Legislature in 1870 resolved that it would give British human nature, in the persons of the newly-enfranchised voters, a dead lift out of ignorance. That dead lift was to land them in good citizenship according to Robert Lowe, and in "culture" according to the Utopians or Laputans. Has it done either of these things, and, if so, how far? Mr. Frederick Greenwood, in "The Liberty Review Yearly: 1895," appears to incline to the view that education has awakened in the minds of the masses a rebellious loathing against the squalor in which they congregate. He speaks of emulation in the lowlier refinements of home life, and of the decencies elevated into sheer necessities of existence. I should be sorry to set up my very imperfect knowledge against Mr. Greenwood's, and I would prefer to hope that he was right. But better still than any such loathing or any such emulation would be a clear understanding of the difficulties which beset every effort to engage in the emulation or get rid of the loathed squalor. We shall see a little later that there is reason to think State education, from this point of view, an extremely doubtful boon; but there are one or two previous matters for inquiry.

On the question whether State education has promoted good citizenship, Mr. Greenwood's expressions in the essay I am quoting are a little ambiguous. He does, indeed, bear witness to the fact, manifest to all observers, that the revolt of labour is not nearly so reckless as it was a few years ago. Whether he ascribes this to State education is not absolutely clear. His language is, at all events, consistent with the belief I myself hold—that the recent comparative moderation of strikers and Trade Unions is due to British dislike of extreme courses, and that State education has as little as possible to do with it.

This, I think, may be inferred from the answer to the other question referred to above. How far has education—the diffusion of actual knowledge, as distinct from the mere instruments of knowledge, reading, writing, and ciphering—really reached and affected the masses? We have the experience of nearly a quarter of a century to teach us what school instruction can and cannot do for the classes who are now masters. I am not going into a statistical argu-

ment as to how many attain to what standard. I do not want to afford a triumph to somebody over a fifth place in decimals. Broadly I assert that the number of persons who must of necessity stop short at reading, writing, and ciphering is overwhelming, as compared with the number who can get beyond these arts. Figures telling how many persons pass this, that, or the other standard are utterly misleading, because it is not the standard, but the use made of the instruction, which is relevant. If a young man does nothing with his reading except to haunt free libraries, where he only reads the sporting papers and sensation novels; if a young woman does nothing with her writing except to scribble love-letters; if either does nothing with arithmetic except to reckon bets or the price of bonnets, what does it matter what standard they have passed? The truth is that Lord Sherbrooke over-estimated not only the chance that the right kind of knowledge would reach the children at school, but the capacity of the children for assimilating the knowledge which did reach them. It is not in the lower orders only that boys and girls (especially boys) are positively averse to acquiring knowledge. The difference is in the subsequent career of the middle-class young man and the young working man. The former is forced in some measure to keep up his school learning—by no means necessarily all of it—either in the exercise of his profession or in the intercourse of daily life. The latter, on the other hand, finds the circumstances wholly against him. Most likely his bodily labour is too fatiguing to admit of anything like study in his leisure moments. It may be a question whether he has any leisure at all, except for food and rest. Without going into that, and simply taking things for the present as we find them, the working men and women who possess leisure and energy to keep up any form of mental cultivation are unquestionably a very small minority indeed.

This, it must be owned, is a gloomy view of the prospects of education. But it is absolutely necessary to look facts in the face, and not suffer ourselves to be carried away by visions and illusions. Some one has said that by far the greatest part of the world's work could be as well done by machines as by human beings. A very great part of the world's work, as a matter of fact, is coming to be done by machines; but a great deal of purely mechanical work

remains to be done by human beings, and, so far as we see, must remain for a very long time. And here arises another insoluble problem—one may almost say *the* insoluble problem of life. The human being whom circumstances have doomed to the functions of a machine would be happier, one is tempted to say, in proportion as he or she resembled a machine. Intelligence above one's function is very likely to lead to aspirations, and those aspirations to discontent, and discontent to unhappiness. On the other hand, the most machine-like human beings are not the best machines. No matter how mechanical the work, there is always room for some intellectual element, and so there is always room for aspiration and for discontent. The man who feels himself fit for nothing but scavenging is very likely to be a bad scavenger; while the scavenger who really is fit for some higher employment, although he will probably scavenge better than the other, is very likely to hate scavenging and fancy that he is thrown away on it. This is not mere *a priori* theory and speculation. The experience of the pupils at Board and other schools bears out the statement. Discontent and unrest are characteristic of the generations that have grown up and are growing up under teaching provided at the public cost. The fact is recognised even by the optimists of so-called progress; but they gloss it over with the specious name of a desire to rise in life. I would not wish to say one word against that desire in so far as it is genuine and practical. But, for one thing, the state of mind known as being above one's work is by no means identical with the desire to rise, and should not be confused with it. Besides, the desire to rise can only be gratified by a very limited number of persons. By far the majority of mankind must remain on the rung of the social ladder on which their parents were. The exceptions will include those who fall as well as those who rise, and as there is no falling from the foot of the ladder, so they who happen to be born at the foot must, for the most part, be content to stay there. Now, in saying all this, I am not drawing any indictment against education as such. I am, it is true, drawing an indictment against that kind of State compulsory education which aims at making "good citizens." Lord Sherbrooke's maxim, as interpreted by Mr. Forster and the other authors of the

Education Acts, was a mistake. Further, I am not calling in question the policy of extending the Parliamentary franchise. The thing is done, in the first place; and, in the next, there is some satisfaction in having "shot Niagara." We know the worst, approximately at any rate. After all, the English working man is not so far removed in disposition from the merchant, the manufacturer, the professional man, the landowner, and the peer that he may not be expected to behave in politics very much as other classes have done. As a matter of fact, it has been so. The attempts which have been made to range the masses against the classes have hitherto been failures, great as was the influence of the eminent politician who put himself at the head of the movement. I believe it would be practicable to convince even the newest of the newly-enfranchised electors that "majority rule" is not merely a bad thing, but an impossible thing, and that the thing which passes by that name is the rule of certain groups or cliques of wire-pullers and professional politicians, who numerically are a minority of a minority, and, besides, as often as not are mere self-seekers. At all events, it would probably be practicable to impress this upon a minority of the most numerous class, who should be sufficiently strong to give a foothold for resistance to the schemes of wire-pullers and self-seeking politicians. The time to do this is now, and the way is by dwelling upon the all-importance of freedom as an element of human well-being. It will be necessary to dwell with uncompromising reiteration upon the danger to freedom involved in all schemes which aim at improving people's condition by compulsory processes. Such schemes usually fail of the effect they were directly intended to produce, but, as an indirect result, curtail someone's liberty, not necessarily only that of the person or class against whom they were in the first instance aimed.

In connection with this topic, my attention has been drawn to a remarkable passage in a work with whose main purpose I am fully in sympathy—Mr. W. H. Mallock's "Labour and the Popular Welfare." At page 299 of the popular edition of that book there is first an admission in the text that the Socialistic principle is "necessary," and then there is a note illustrating this admission. The note, so far as it is relevant, runs thus: "Though I have aimed

at excluding from this volume all controversial matter, I may here hazard the opinion that the Socialistic principle is most properly applied to providing the labourers, not with things that they would buy if they were able to do so, but with things that naturally they would not buy..... Desire to be able to pay for education does not constitute, for most men and women, a strong motive to labour ; and, therefore, education may be supplied by the State, without the efficacy of their labour being interfered with." Practically, Mr. Mallock's view amounts to this: that because the members of the classes which pay no direct taxes and very little rates are assumed to be unwilling to pay for the education of their children, therefore those who do pay direct and indirect taxes, and by far the greater share of the rates, may rightly be compelled to defray the cost of such education. On this I am compelled to join issue with him.

In a former essay of this series ("Taxation and Tyranny") I have tried to state the limitations which I think ought to be placed upon what Mr. Mallock calls the Socialistic principle. No one ought to be compelled to contribute to a public object from which he himself does not derive some actual or potential benefit ; and no one ought to be compelled to support institutions which he does not desire to use, if the persons who do, as a matter of fact, use them can be discriminated and made to pay. Therefore, no direct taxpayer or large ratepayer ought to be compelled to pay for schools to which he would not send his own children, and which are frequented by children whose parents can be identified and called upon for payment.

It is a very large assumption that, because a labourer does not directly covet some particular thing, therefore giving it to him gratis will not interfere with the efficacy of his labour. There was a time when labourers did not very much care about the decency of their dwellings ; is that a reason why they should have been housed at the ratepayers' expense ?

At this point I am prepared to be met by a taunt which is commonly levelled at all who attempt to bring common sense to bear upon political problems which are in any way influenced by sentiment. I shall be asked, no doubt, whether I wish the children of the poor to grow up without

any education at all? And when I reply, Certainly not, I shall further be asked how the education is to be provided without State aid? The only reply I can make to this question is that I am not writing a treatise on State machinery or political methods. I find a system at work which produces certain results, distinctly hostile to freedom, and I point out what the results are. I assume that freedom is a more important element in human well-being than even education, especially such education as is all that is oper to the pupils of Board schools. It is for those who deny this to show that I am wrong. It is for those who think: as I do concerning freedom, but who yet would advocate what is called State education, to prove that the present or any system of State schools is the lesser of two evils. But the very fact of having to prove this, and of having to treat that question as a choice of evils, proves that I am right in calling State education an insoluble problem.

CHAPTER XVIII.

LAW IN A FREE STATE.

I HAD written thus far when Mr. Donisthorpe's book was put into my hands, and I at once jumped to the conclusion that the wind was taken out of my sails. Mr. Donisthorpe is so much an abler man than I am—his style, in particular, is so much more lively and humorous than mine—that, if we come into any kind of competition, I must go to the wall. I could not have written chapter ix., "The Woes of a Politician," to save my life, nor the concluding paragraph of chapter i. Indeed, for one reason or another, I could not, or would not, have written any part whatever of "Law in a Free State"; not that I do not agree in almost all Mr. Donisthorpe has said, but that my way of looking at matters is widely different from his, even when we are at one in our method and in our conclusions. For instance, I should never have dreamed of giving the Marriage question, or that of the Status of Children, the position they occupy in this book; not that, as a whole, I dissent from his views, but because they seem to me inopportune in the present state of the public mind. So long as the overwhelming majority of women continue to regard marriage in no other light than that of a status supernaturally enjoined, the question has not yet become a question of freedom. It can wait until the principle of freedom has been accepted in cases where the Indeterminate Co-efficient of supernaturalism does not affect the problem. It will be time enough to raise the cry of Free Marriage when we have got rid, for example, of "free, compulsory education."

I am not reviewing Mr. Donisthorpe's book, but I cannot withstand the temptation of one word of commentary. Our author is too optimist. In this very chapter on Marriage he says: "In all healthy natural processes of life there is a

net gain of happiness. On the average, the pleasures outweigh the pains. On the average, life is worth living—a net gain." I doubt it. At any rate, to speak as positively as Mr. Doristhorpe does is to beg the question. I am aware that he has Herbert Spencer on his side, or apparently so,* but Spencer expresses himself much more cautiously, and by no means sums up so dogmatically. Indeed—speaking with all reverence of so great a thinker and teacher—even Herbert Spencer seems to me not to take into sufficient account the essential irrationality of human conduct, especially as displayed in the habitual clinging to life. It was said of the Roman statesman, Macænas, that he desired to live even if tortured with disease. Shakespeare's Hamlet ascribes the endurance of calamity in this life to the dread of "something after death"; and Shakespeare, the greatest of all observers of human nature, was undoubtedly right. It is much too dogmatic to decide that there is a net gain, or a net loss, on the balance of pleasure and pain in the present life; it is impossible, in fact, to strike any such balance; and, if it were possible, not one human being in a hundred thousand attempts to do it. Whatever opinion we may entertain concerning the value of life, the vast majority of mankind go on living and prolonging the race, merely because they are used to it. Custom and instinct, not reason, are the guides of our conduct. This is true of a great many of the matters dealt with in "Law in a Free State."

Another point to be noticed is that human nature is no more to be altered all at once by relaxation of State control than by its being tightened. Men and women would, for a long time at least, be the same, under out-and-out Individualism, or under absolute Socialism, as they are under the queer compound which prevails at present. The author of "Law in a Free State" knows this as well as I do; but I am by no means sure that his readers know it. The chapter on "The Limits of Liberty" is full of illustrations of the way in which human beings combine to put restraints on their own freedom, even when the State does not do so. Thus, there are some clubs where the members must not play billiards, cards, chess, or any game on Sundays;

* "Data of Ethics," chapter iii.

not because the majority of members think it wrong, but because the members who do not are afraid of the members who do. The human race is in this respect like sheep. We all follow some bell-wether or other. London would not have been put under the absurd rule which prohibits the delivery of letters on Sunday if there had been a sufficient minority who had resolutely declared that they must have their letters, let the Sabbatarians anathematise as they pleased. What actually happened is now for the most part forgotten; but it was this: The religious party, headed by Lord Ashley (afterwards the good Earl of Shaftesbury), raised the cry that the Sabbath was being broken because postmen went their rounds on Sunday. Certain philanthropic persons joined in the cry, not actually alleging the fourth Hebrew commandment as their reason, but pleading that humanity required a day of rest. Now, nobody likes to be called impious or inhuman; so everybody echoed the cry, each disregarding the inconvenience of his neighbour, and therefore necessarily his own. Everyone said: "I do not expect any letters of importance on a Sunday more than any other day; and, even if I did, I should only be called a Sabbath breaker, or denounced as regardless of working-men's rights, if I resisted the movement." In like manner, the fanatics of teetotalism call everyone a drunkard who hints that prohibition, local option, the Gothenburg system, or whatever each zealot's favourite fad is, may possibly not be the royal road to the extinction of drunkenness. Nay, the Social Purity folk will have it that a man is a mere profligate if he does not believe in the methods of Mrs. Ormiston Chant and the London County Council. Now, nobody likes to be called a drunkard or a profligate; so Sir Wilfrid Lawson and Mrs. Ormiston Chant have it all their own way, because average human nature is a little too weak to endure being called names. Be it noted, too, that it is the very persons least open to such charges who are most likely to be afraid of them. The man who takes his glass of wine or beer, but never by any chance gets drunk, is the man who most keenly dreads the reproach of being a drunkard's advocate; the chaste man is he who shrinks most from being accused of sympathising with the profligate. In this way a great many social and political crotchetts appear to command a very large following, when, in fact,

those who are counted as disciples have no convictions, or are afraid to avow those they have. The truth is that a good many of our restrictions on freedom are restrictions of our own making. By this I do not mean merely that laws are now made by majorities, and that majorities are often fictitious. That is true; but it is equally true that some of these restrictions are not law-made, but self-made.

Nor is this all. Human nature is not, as has been said, capable of being altered all at once, either by absolute freedom or by the most rigorous State control. And because this is so, any relaxation of existing State control is not unlikely to result in an apparent increase of the evils against which that State control was, however mistakenly, directed. Suppose, for example, that all laws against gambling were at once repealed; that lotteries and betting offices were declared not to be illegal, and that wagering contracts were put on the same legal footing as all other contracts. Can anyone doubt that, for a time at least, the result would be an increase in gambling, that lotteries of all kinds would be floated, and that a certain number of them would be tainted with cheating? Would not clerks and cashiers be under enhanced temptations to rob their employers, so as to get money to stake? To say the least, it seems extremely likely that all this would happen, because we are all prone to measure morality by legality, and to conclude that what is not illegal is not wrong.

This is not an argument against repealing a system of restrictive laws, the absurdity of which has been partly exposed in a former essay. It is merely an illustration of what I regard as a fundamental postulate in this discussion—that law is an effect, and not a cause, and that human nature alters, when it does alter, by the slow process of evolution, and not by the rapid manoeuvre of law-making.

To return for a moment to Mr. Donisthorpe, to whose admirable writings every political thinker owes a debt of gratitude. The brilliantly incisive satire of "Law in a Free State" is a telling indictment of British human nature as displayed in British legislation. Indirectly—but indirectly only—it is a valuable contribution to the discussion of that insoluble problem, how to lay down the boundary of the function of public authority.

I, too, am endeavouring, as far as in me lies, to suggest a partial solution of that same problem; for I have never denied that there are partial solutions even of problems which are never wholly soluble. But I heartily wish it had been Mr. Donisthorpe who had undertaken the task instead of me.

CHAPTER XIX.

A GAMUT IN C.*

CO OPERATION—Contract—Combination—Competition—must Conspiracy be named too? In one way or another, these words afford the key to the only approximate solution of the problem of State Function. One of the peculiarities of human nature is its capacity for combined action, which it shares with some of the lower animals, but with a very important difference. The bees, the ants, and the beavers co-operate because they must. They do so upon mere instinct. No one has ever known a bee to go apart from the hive, or a beaver to stand aloof from the embankment, and set up in business for itself. The gregarious and co-operative animals have no individuality; the solitary creatures, except for reproduction, have no social tendencies. Man is the one creature who can be gregarious and solitary in turns, and whose life is passed in an alternation and combination of both these conditions.

But it follows from this that mankind requires a certain sort of discipline, in order to be fit for social functions. The bee, the ant, and the beaver never crave after any lapse into solitude and independence. Their liberty consists in taking part in co-operative action. Each one must, of course, eat for himself alone; but that is their only exercise of individuality. Man, on the contrary, has a dual existence; in proportion as he rises in the scale of being, liberty on the one hand and combined action on the other become more and more indispensable to his well-being. The civilised man loves freedom more than the savage or barbarian, but appreciates more keenly than the savage or

* I have called this chapter "A Gamut in C." The phrase, I am aware, is technically quite incorrect; but it suggests the topic of the chapter, and the licence I have taken in using it may be forgiven in consideration of its suggestiveness.

barbarian the class of wants which can only be satisfied by co-operation, contract, or combination. This suggests the conclusion that, if freedom is the good thing most civilised men consider it, then co-operation is really an evil. It sounds like a paradox; but it is perfectly true that, if it were possible for each human being to satisfy all his or her complicated wants without the aid of any other, each one would be more free than at present, to an extent almost beyond description. I do not mean to imply that they would become less social or less gregarious. What I mean is that, being less dependent on each other, they would be better able to follow their own inclinations in groups as well as in solitude. This will appear more clearly as I go on; meantime it is useless to speculate on what might happen if things were radically different from what they are. The fact with which we have to reckon is that we depend for nearly all the comforts, conveniences, and amenities of life upon the help of each other; which help is given in the form of unconscious co-operation, or conscious contract and combination. We all co-operate, in so far as we do any acts which tend to the attainment of a common end, though we may not know that we are co-operating. The agriculturists, manufacturers, merchants, carriers, and purveyors generally who supply a large town are all co-operating, although they do not know each other, and are not conscious of co-operative intention. In the case of contract, and still more in the case of combination, the parties must have knowledge of the terms of contract, and must intend to contract or combine. In all these cases something is taken from that liberty, which the parties would enjoy, if the co-operation, contract, or combination did not exist. In order that two persons proceeding in the same direction (which is one of the very simplest cases of elementary co-operation) may reach their destination in safety and comfort, there must be some rule of the road to obviate jostling. So there must be if the travellers are moving in opposite directions, which is also an elementary case of co-operation. I assume, of course, that in neither case are they hostile; that would negative co-operation wholly. I simply postulate that what I call their co-operation is limited to the common use of the portion of space which they are obliged to traverse.

Since these elementary instances of co-operation involve thus much give-and-take, it is self-evident that the more intricate processes of civilisation must demand still further. The whole matter, moreover, is complicated by the involuntary nature of so many of our co-operative processes. It has already been pointed out that we are born into the largest of all co-operative institutions, the State or Nation. Within the State we may be said to be born into other communities, which, however, we can quit or change more easily than we can quit or change our nationality. Not only so, but in the course of our lives we find ourselves compelled to adopt co-operative processes on pain of forfeiting certain of the conveniences and amenities incidental to civilisation. It is only necessary to instance travelling, and the use of public conveyances, and of public places of resort, to remind ourselves how we become from day to day more dependent upon co-operation in order that we may live our lives. The railway, the coach, the omnibus, the tramcar; inns, hotels, restaurants; telegraphs, telephones, and post offices, are all necessities of life to the traveller of to-day. They were less so fifty years ago, and a hundred years ago all but the most primitive of them were unknown. True it is that hundred years ago perhaps one person travelled where ten thousand travel now; but in this case supply created demand. The stage-coach, which two hundred years ago was supposed to have revolutionised travelling, was incomplete until it was given macadamised roads to travel on; and these were not long in existence till they were superseded by the railroad. Travelling, indeed, would appear to have undergone very little improvement in comfort or convenience from the days of Horace until early in the present century. I have myself travelled in a canal boat drawn by horses, just as the Roman poet describes himself travelling in one drawn by mules. It is difficult for one living in the last decade of this century, and witnessing all the improved facilities of travel, to realise what travelling must have been when the horse was the sole motive power on land, the wind at sea, and when roads at best were causeways of broken stones, but on the average were quagmires or cist heaps. This, however, is a digression. The point is that, although travelling is for the most part a voluntary act, the co-operation which makes comfortable travelling

possible is to a great extent involuntary and compulsory. Not only must the agencies which provide travelling facilities make rules which travellers must obey, but fellow travellers must submit to a great amount of give and take. The example here given of what may be called the ethics of co-operation might be paralleled in many other instances. In fact, there is hardly any matter in which two or more persons can take joint action (however unconscious each may be that the action is joint) where it will not be found that the joint nature of the action in some greater or less degree limits the liberty of the parties. Nor is this all.

Our complicated wants require combination for the supply of them, and that combination must often be on a very large scale. Railway and steamship companies, gas and water companies, and even great bakeries and breweries, are apt to assume the proportions of departments of State. How far the tendency to conduct so many kinds of enterprise by the machinery of joint-stock companies is a permanent element in commerce I do not pretend to decide. It is, however, one that must be noted as characteristic of the present day, and it is one which affords a sort of argument to Socialists and Collectivists. As usual, they are disposed to press into their service a number of arguments which are mutually destructive. Government departments are slow, clumsy, and inefficient, and large joint-stock companies tend to display similar faults in proportion as they approximate in dimensions to departments of State. Therefore, say the Collectivists, it does not really matter. We may as well endure the slowness, clumsiness, and inefficiency which will result from turning all enterprise into a department of State, because, as electors, we shall each of us have one-seven-millionth vote in the management. Great joint-stock companies, too, are apt to become monopolies, having advantages by reason of their large capital, and very often by reason of actual privileges granted by the State, such as the rights of way of a railroad, and the right to lay a service of pipes, possessed by a gas or water company. Therefore, let us accept State monopoly in its entirety, nationalise railroads, municipalise gas and water, and—for what I know—parochialise Whiteley's.

What would become of Bass and Guinness, Jameson and

Hen esey, one knows not; but probably they would be "local vetoised."

I have exposed the fallacy of all this in dealing with taxation. The sophism is the same. Because a certain adm ted evil is unavoidable under given circumstances, therefore we are advised to take it to our bosoms when it is not unavoidable. It brings to mind the old paradox that, because umbrellas and overcoats will not keep one perfectly dry in a shower, therefore the best thing to do is to go and stand under the spout. As I suggested in the essay on Taxation, this kind of thinking comes of being logical in the wrong place. It is not true that every kind of inconvenience must be borne because some inconveniences cannot be wholly remedied. There has been, however, a tendency to argue that, because hardly any of our wants can be supplied without co-operation, and because many of them cannot be supplied without combination, therefore it is necessary to endure all the evils which may be held to arise as natural consequences from the clumsiest form of combination. We must endure loss of liberty, in such matters as the hours of work and of keeping shops open, because there are other matters in which we are not free, and cannot help ourselves. We must endure the monopoly, the clun siness, and the inefficiency of a State Railway Department, because private companies partake necessarily of the nature of monopolies, and are clumsy and imperfectly effic ent by reason of the large scale on which they have to worl , and the complication of all their functions. To state these propositions is to refute them, one would think; and yet there are persons, not professed Socialists, who make of the monopoly and imperfect efficiency of certain ager cies arguments in favour of nationalisation and municipa isation. Quite recently (January and February, 1895) the London Water Companies are being accused of "red tape" and pedantic insistence upon legal rights, because certain householders' pipes have been frozen, and there has been a failure of the water supply. I do not enter into the righ s and wrongs of the case, but merely invite attention to the proposed remedy. Confiscate the Companies' property and give it to the County Council ! Stand under the spout to shelter from the rain !

In the essay on the "Impracticability of Socialism" which

I contributed to the "Plea for Liberty," I commented on the inefficiency of State departments and the imperfect efficiency of the large joint-stock companies which resemble such departments. All that it seems necessary to add is that people ought to be very cautious how they invoke State interference, even when that interference appears to fall very far short of Socialism. Neither the State nor the municipality is in any degree a better carrier, supplier of water, manufacturer of gas, and so forth, than a private company ; and, as to the control of the voters, that of the shareholders is as many times more effective as the political voters are more numerous than the voters in virtue of shares. The power of the shareholders is concentrated ; the other is diffused.

CHAPTER XX.

DISCORD.

I find myself drifting into the suggestion of solutions, and this was no part of my plan. There are a great many other insoluble problems besides those I have indicated, and, as I have also indicated, there are partial solutions for some of them. When we have discerned the reason of the insolubility in a given case, we are upon the track of such partial solution as the problem may be capable of. My object has been to set my readers thinking for themselves, and induce them to ask whether, in any given case, they are confronted with an insoluble problem, and, if so, whether there is any, and what, approximate solution?

Thus, in a former page I hinted that, in addition to Co-operation, Contract, Combination, and Competition, Conspiracy is one of the forms of common action which condition the problem of State function. For all the forms of co-operation, and for most of the forms of competition, let alone is the only rule—subject, of course, to special needs in special cases. There must be a law of partnership and of joint-stock enterprise; but that law ought to be as little meddlesome as may be. Powers must be vested in railway, gas, and water companies, and others; but these should savour as little as possible of monopolies, and ought, as little as possible, to tempt their possessors into routine and red-tape methods. Thus far, all will agree except the benighted persons who think that they can alter human nature by making departments of State out of any combination chosen at random.

Conspiracy is, however, one of the forms of combined action which have to be taken into account. Conspiracy is the bad side of combination. It is combined action, either consciously aimed at the infliction of injury, or having the infliction of injury as an inevitable and inseparable con-

sequence, though the direct object of the combination may be for the benefit of those who combine. A concrete instance will show how this may be. Some years ago the stokers of a London gas company quarrelled with their employers, and struck, thereby endangering the lighting of a large part of the town. They had, severally, the right to leave their employment, and at first sight it might seem that what they had the right to do separately they had the right to do in combination. But they could not do so without inflicting an injury upon third parties; and this rendered their combination a criminal conspiracy. This principle has been affirmed again and again by the Courts of Law, and it is certainly a sound one. The difficulty must always be in the practical application; but the principle is none the less sound because its application in particular instances may seem harsh. It requires only a moderate amount of reflection to recognise that an act which as a single act is innocuous may become mischievous in the highest degree if repeated or multiplied. Here, then, we seem to have a point of contact, a test case of that principle which claims liberty for each, limited by the equal liberty of all. This phrase itself, indeed, suggests an insoluble problem. There is no need to dwell on the obvious criticism, that it is a strange use of language to refer to murder, theft, or assault as infringement of *liberty*. But is it a less strange use of language to apply the same phrase to deprivation of artificial light, as in the case of the conspiracy just described? It would seem as if the principle should be stated as liberty for each, subject to the obligation not to inflict hurt, loss, or restraint upon others wilfully or maliciously. Even this statement is incomplete, for we know of cases where loss may be inflicted wilfully, and yet not wrongfully. Underselling may ruin another's business, yet the under-selling competitor may be fully within his right. Even fraudulent competition—adulteration, for instance—may give the person competed against no claim to any remedy, however base may be the wrong done to him, as well as to the consumers of the adulterated goods. In short, there must in this, as in so many matters, be a debateable frontier; but a debateable frontier is better than no frontier at all.

My conclusion, then, is that it is the necessity of co-operation which is the main cause of all such limitations on

freedom as do not arise in actual self-defence. To resist hurt or punish fraud is not, strictly speaking, to impose a limit on liberty, any more than to inflict hurt or to use fraud is to infringe liberty. Resistance to hurt, and restraint on fraud, are elementary methods, without which political societies could not exist. The danger to freedom comes in where a number of persons are compelled to co-operate in order to obtain advantages, and where the co-operation involves the sacrifice of an undetermined amount of personal freedom. In that case there will always be some who will argue that, as we have had to sacrifice so much, it does not matter how much more we may have to sacrifice. With such arguers I have attempted to deal in the chapter on "Tatation and Tyranny." Again, there will be those who will plead that what can be harmlessly done by one or two, each one may do in concert with others, and that his freedom is infringed if he is restrained from doing it in concert with others, even if such concerted action results in harm to third parties. And so I end as I began this portion of my work. Co-operation, Contract, Combination, Competition, and Conspiracy contain the whole secret of the limits of liberty. Murder and other forms of violence, theft, and other forms of fraud are crimes under Socialism or under slavery, as much as under the utmost freedom. It is when Co-operation begins that the question of the limits of freedom arises.

CHAPTER XXI.

CONCLUSION.

It is time to draw this somewhat rambling series to a conclusion. I have not striven to inculcate any doctrine. Neither have I tried to exhaust the list of problems which the politician is bound to attempt to solve, with or without success, as the nature of the problem may be. What I have desired to suggest is that, since Nature has her insoluble problems, so also has human nature. One of the most insoluble is that of getting people to act together in larger or smaller communities, without—to use a colloquial phrase—treading on each other's toes or heels. This phrase illustrates the difficulty better than most similes. It is for this physical purpose that armies are drilled, and a State or nation is often compared to an army. But it is not an army, and the requisite drilling must be carried out in a totally different way. The Socialists would turn the State, if they could, into a body drilled like an army; and they accuse the friends of freedom of treating the State as a mere mob. This, of course, is quite untrue. No reasonable advocate of freedom would for a moment deny that there are occasions when the individual must give way. All that is affirmed is that there are vastly more numerous occasions when the State can only be held to exist for the sake of the individual. Neither the army theory nor the mob theory contains any more than a half truth.

I have already referred pointedly to those naturally and spontaneously Socialist communities, the bee-hive, the ant-hill, and the beaver-dam. Men have never, in recorded history at least, been in that particular stage of evolution. It is probable that, if they had, they never would have got beyond it. At the same time, we are forced to admit that mankind has been in a stage where authority had a much greater range than it now has. The power of the old

part archs was something of which we have no conception. Eastern sultans, to this day, exercise a sway we find it hard to realise. Medieval kings were wonderful personages, and some of the divinity that hedged them survives in the empty ceremonial of our own courts. In short, evolution has taken a twofold direction. On the one hand, there is more personal freedom, and more tendency to vest property in the unit and not in the group. On the other, there is co-operation on a scale much larger, and by methods much more complicated, than history records of any previous time. This is what makes Liberty and its limits partake of the nature of an insoluble problem. We have cast off the limits set by despots, oligarchs, and aristocrats. We flatter ourselves that we are free, because seven millions of persons in the United Kingdom have votes. Of these about a million cannot be got to vote under any circumstances. Of the six millions (or less) who do vote there are, perhaps, three millions, *plus* a hundred thousand, voting for one party, and three millions, *minus* a hundred thousand, for the other. The two hundred thousand who turn the scale are the real governing body, and nobody knows who they are. They are, as a matter of fact, one set of persons at one election and a quite different set at another. One is tempted to ask, Would not a king or an oligarchy be a better governing body than this?

But that is not the point. Freedom, irrespective of the form of State structure, is the most important element of political well-being. It is so, both as an end in itself and as the means to other ends. Its value, as an end in itself, is admitted even by Socialists, and by the semi-Socialist advocates of leisure and culture for the masses. Of what value would leisure or culture be without freedom? But life cannot be portioned off into a free, leisured, and cultured section, and another section during which the worker is to be the slave of the community, as though he were a bee or a beaver. Besides, freedom is at the root of all improvement. It is not only an end in itself—a state to be enjoyed for its own sake—but also means towards the procuring of other desirable things. If the worker were the slave of the community, every imperfect and inefficient method and machine would be stereotyped. I will not go so far as to say that no slave ever invented a machine

or discovered a new process; but, whoever the inventor may have been, the coming into use of the invention was the work of free men. Slaves, too, have contributed to literature and to thought; but the slaves who did so were virtually, though not technically, free.

Freedom, then, is the most important end at which political institutions aim. At the same time, it would be uncandid not to admit that freedom itself may have its own drawbacks. Freedom is not wholly and unreservedly compatible with co-operation. Nevertheless, the love of freedom and the need of co-operation are ultimate principles, the one of human nature in itself, the other of human society. They clash, as so many other things clash in our world; and hence arises an insoluble problem.

But, like nearly all the problems with which I have been dealing, though it has no direct and complete solution, there is an indirect, partial, and approximate one. With the statement of that admittedly incomplete solution I purpose to conclude.

The presumption is in favour of freedom, at all times and under all circumstances. In order to rebut that presumption, and establish a case for restricting freedom, it is not sufficient merely to show that freedom can be accused of causing inconvenience, or even serious suffering, in particular cases. It must be fully and conclusively proved that the restriction of freedom is the lesser of two evils, and not only the lesser, but the only way of applying a remedy to the evil complained of. For, if there be any other way, the restriction of freedom is such an evil in itself that any other way must be better.

Furthermore, we must learn to be somewhat intolerant of that favourite catchword, Something Must be Done. The late Thomas Carlyle was the chief apostle of this gospel; but, oddly enough, his contemporary and intellectual opposite, John Stuart Mill, has given a sort of adhesion to the same doctrine. In "Representative Government" * he says: "Whenever anything goes amiss, the habitual impulse of French people is to say, *Il faut de la patience*, and of English people to say, What a shame. The people who think it a shame when anything goes wrong

* Page 64 library edition, page 26 popular edition.

—who rush to the conclusion that the evil could and ought to have been prevented—are those who, in the long run, do most to make the world better." I venture to think that, if Mill had lived a few years longer—he died at the age of sixty-seven—he would have expressed himself differently. During the period that has elapsed since his death we have had ample experience of the people who not only think it a shame when anything seems to them to go wrong, but are ready then and there to set it right by Act of Parliament. And, with the utmost reverence for Mill's character and admiration for his talents, I say without hesitation that the people who said Patience were mostly right, and they who cried Shame and drafted "remedial" Acts were almost invariably wrong.

When Impatience conflicts with Freedom, the impatience is always in the wrong. Freedom and Patience will solve nearly every problem in politics that is soluble, and will find the approximate solution of the problems for which there is no full or direct solution. Impatience will probably impair freedom, and will certainly not solve anything.

Probably the most useful lesson a statesman in our day could learn would be how and when to say No! At present the art seems lost. In its stead we have learned a peculiarly nauseous cant. When anybody ventures to bring common sense to bear upon some "remedial" proposal of some of the people who cry Shame, that person is at once told that he must not adopt a *non possumus* attitude. He must not look facts in the face, and say that the "remedy" is not suitable, or will bring about worse evils than it will cure. This is destructive criticism, and is, in the eyes of the impatient, a thing accursed.

Unless we change all this, and consent to look the facts of life in the face, we shall render the difficult problems insoluble, and get no nearer to solving the insoluble ones. Nobody ever yet succeeded in unravelling a tangled skein by pulling hard at the loose end.

It's time to draw to a close. The specimens of political and social problems on which I have been commenting were chosen, I must confess, somewhat at random; but I think that throughout them all one thought will be found to run. Man is a part of Nature. Political and social problems are problems of human nature, and are often

problems of material nature as well, and of both combined. There are conflicting tendencies—some of them ultimate—in material nature, and many of them in human nature. These it is which give rise to insoluble problems, and to problems which, though they may be soluble, are extremely difficult of solution. Towards such solutions as are practicable the most efficient instruments are Freedom and Patience; and the greater of these is Freedom. For Freedom is not only an instrument whereby political well-being can be helped forward, but is itself, in and for itself, the most important element of political well-being.

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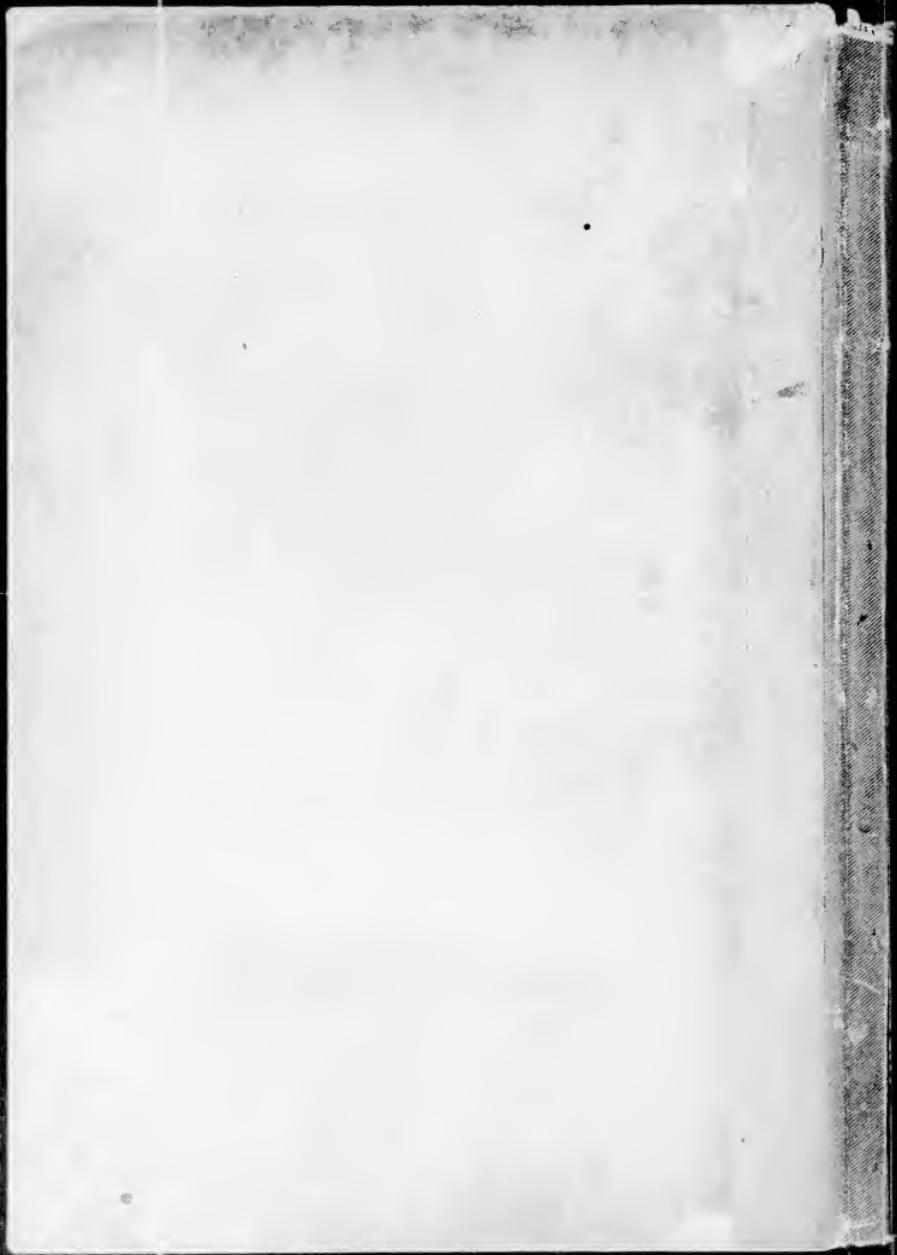
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